

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, March 19, 2009

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Daryl Thompson, Superintendent, Northern Plains District Evangelical Free Church of America, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1399, as engrossed: SEN. TAYLOR (Education Committee) MOVED** that the amendments on SJ pages 833-834 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1540, as reengrossed: SEN. MARCELLAIS (Human Services Committee) MOVED** that the amendments on SJ pages 859-860 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1400, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1418, as engrossed: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ pages 858-859 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1327, as engrossed: SEN. HECKAMAN (Human Services Committee) MOVED** that the amendments on SJ pages 832-833 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1324, as reengrossed: SEN. HOGUE (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 810-832 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1255, as engrossed: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 809 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1304, as reengrossed: SEN. TRIPLETT (Finance and Taxation Committee) MOVED** that the amendments on SJ page 810 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1265, as engrossed: SEN. BAKKE (Education Committee) MOVED** that the amendments on SJ pages 809-810 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1207, as engrossed: SEN. FIEBIGER (Judiciary Committee) MOVED** that the amendments on SJ page 809 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1041: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ page 808 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1039: SEN. FIEBIGER (Judiciary Committee) MOVED** that the amendments on SJ pages 807-808 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1459:** A BILL for an Act to provide legislative findings and a declaration concerning lands around Lake Oahe managed by the army corps of engineers; to provide for the control or eradication of noxious weeds on publicly owned lands; and to provide for a legislative council study.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1459, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1227:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 of the North Dakota Century Code, relating to an online internet hunter safety education program.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1227, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1543:** A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to the procurement of North Dakota food products; and to provide for a report to the legislative council regarding the procurement of North Dakota food products.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy;

Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1543, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1068:** A BILL for an Act to amend and reenact subsection 58 of section 39-01-01, subsection 3 of section 39-16-05, sections 39-16.1-02 and 39-16.1-05, subsection 2 of section 39-16.1-11, section 39-16.1-15, and subsection 11 of section 39-24-09 of the North Dakota Century Code, relating to the amount of required coverage for proof of financial responsibility for motor vehicles, motor vehicle liability policies, and snowmobiles; 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 NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Dever; Fiebigler; Freborg; Hogue; Kilzer; Krebsbach; Lyson; Nething; Oehlke; Olafson; Pomeroy; Wardner

**NAYS:** Anderson; Christmann; Cook; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Holmberg; Horne; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Miller; Nelson; Nodland; O'Connell; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

HB 1068, as amended, lost.

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### SECOND READING OF HOUSE BILL

**HB 1489:** A BILL for an Act to amend and reenact section 57-38-30.6 of the North Dakota Century Code, relating to a corporate income tax credit for soybean and canola crushing facility equipment costs; and to provide an effective date.

### MOTION

**SEN. COOK MOVED** that Engrossed HB 1489 be amended as follows, which motion prevailed on a voice vote.

In addition to the amendments adopted by the Senate as printed on page 795 of the Senate Journal, Engrossed House Bill No. 1489 is further amended as follows:

Page 1, line 3, after "costs" insert "; to provide for a legislative council study"

Page 2, after line 2, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - INCENTIVES FOR VALUE-ADDED AGRICULTURE.** During the 2009-10 interim, the legislative council shall consider studying the availability of tax incentives, grant programs, and any other direct or indirect public subsidization designed to encourage and promote value-added agriculture and any public and private benefits that accrue as a result of such availability. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**HB 1489:** A BILL for an Act to amend and reenact section 57-38-30.6 of the North Dakota Century Code, relating to a corporate income tax credit for soybean and canola crushing facility equipment costs; to provide for a legislative council study; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1489, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1472:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the creation of an early childhood services advisory board; to provide an expiration date; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Erbele

Reengrossed HB 1472, 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 1234:** A BILL for an Act to amend and reenact subsection 22 of section 57-02-08 of the North Dakota Century Code, relating to the maximum amount of the property tax exemption for the home owned and occupied by a blind person; and to provide an effective date.

#### ROLL CALL

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

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

HB 1234 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1159:** A BILL for an Act to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to the destruction of juvenile court records.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy;

Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1159 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to create and enact five new sections to chapter 43-20, a new subsection to section 43-28-02, three new sections to chapter 43-28, and section 43-28-18.2 of the North Dakota Century Code, relating to licensing of dental assistants and hygienists and dentists; to amend and reenact sections 43-20-03, 43-20-05, 43-20-06, 43-20-08, 43-20-09, 43-20-10, 43-20-12.2, 43-20-13.1, and 43-28-01, subsection 2 of section 43-28-06, sections 43-28-10, 43-28-11, 43-28-13, 43-28-15, 43-28-16, 43-28-17, and 43-28-18, subsection 1 of section 43-28-18.1, and sections 43-28-24 and 43-28-25 of the North Dakota Century Code, relating to the practice and licensing of dental assistants and hygienists and dentists; to repeal sections 43-20-01, 43-20-02, 43-20-07, 43-20-12.1, 43-28-12, 43-28-12.1, 43-28-12.2, 43-28-14, 43-28-19, 43-28-20, 43-28-21, and 43-28-22 of the North Dakota Century Code, relating to the practice and licensing of dental hygienists and dentists; and to provide an effective date.

### ROLL CALL

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Potter

Engrossed HB 1176 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1505:** A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to relevy by a township of property taxes omitted by mistake; to provide an effective date; and to provide an expiration date.

### ROLL CALL

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1505 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1272:** A BILL for an Act to amend and reenact sections 12.1-20-02, 12.1-20-03, and 12.1-20-04 of the North Dakota Century Code, relating to a sexual act or conduct through coercion.

### 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Triplett

Engrossed HB 1272 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1175:** A BILL for an Act to create and enact a new section to chapter 26.1 and a new section to chapter 50-09 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact subsection 5 of section 14-09-08.2, subsections 1, 2, and 9 of section 14-09-09.3, subsection 3 of section 14-09-09.10, subsections 4 and 5 of section 14-09-09.24, subsection 5 of section 14-09-09.33, subsections 9 and 10 of section 14-09-25, sections 20.1-01-26.1 and 34-15-06, subsection 1 of section 35-34-06, subsection 2 of section 50-09-02.1, subsections 1 and 5 of section 50-09-08.2, subsection 2 of section 50-09-14, and sections 50-09-36 and 50-24.1-02.1 of the North Dakota Century Code and section 12 of chapter 135 of the 2005 Session Laws, relating to child support enforcement; to provide for a task force on child support enforcement; to provide a penalty; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Lyson

Engrossed HB 1175, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1302:** A BILL for an Act to amend and reenact section 28-01-46 of the North Dakota Century Code, relating to extension of time for serving an expert opinion affidavit in medical liability actions.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Nothing; Nodland; Olafson

**NAYS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1302 lost.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3020:** A concurrent resolution recognizing the North Dakota Council for the Social Studies as the official voice of and organization for social studies teachers in this state.

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

HCR 3020 was declared adopted, and the title was agreed to on a voice vote.

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**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1109, HB 1386, HB 1413, HB 1484, HB 1491, HB 1525, HB 1575, HCR 3051.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1159, HB 1176, HB 1234, HB 1272, HB 1505, HCR 3020.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1004, HB 1007, HB 1011, HB 1059, HB 1219, HB 1342.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1175, HB 1227, HB 1459, HB 1543.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1489.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1361.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1472.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1185.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1068.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2289, SB 2357, SB 2368, SB 2378.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2214, SB 2236, SB 2265, SB 2269, SB 2297, SB 2322.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2112, SB 2223, SB 2224, SB 2316, SB 2352, SB 2413, SB 2417.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2112**

Page 2, line 10, overstrike "**Operation of vehicle on approach of**" and insert immediately thereafter "**Vehicle to stop or yield the right of way for**"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2223**

Page 1, line 1, after the second "for" insert "a", replace "projects" with "project", and after the semicolon insert "and"

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 5, replace "**PROJECTS**" with "**PROJECT**" and replace "two" with "a"

Page 1, line 6, replace "projects" with "project", replace "two" with "one", and remove "One project must focus on"

Page 1, line 7, remove "coordination in a rural area and one project must focus on coordination in an urban area."

Page 1, line 8, replace "one" with "the", replace "2009 and one project in 2010" with "the 2009-11 biennium", and replace "Each" with "The"

Page 1, line 19, replace "projects" with "project"

Page 1, remove lines 20 through 24

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2224**

Page 1, line 9, replace "57-43.2-03" with "57-43.2-02"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2316**

Page 1, line 7, after the second underscored comma insert "construction."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2352**

Page 1, line 6, overstrike "The standards" and insert immediately thereafter "Standards"

Page 1, line 12, replace "consistent with" with "included in"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2413**

Page 1, line 3, after "38-08-06.4" insert "and subsection 7 of section 49-02-25"

Page 1, line 4, after "gas" insert "and renewable electricity and recycled energy"

Page 2, after line 2, insert:

**"SECTION 2. AMENDMENT.** Subsection 7 of section 49-02-25 of the North Dakota Century Code is amended and reenacted as follows:

7. Recycled energy systems producing electricity from currently unused waste heat resulting from combustion or other processes into electricity and which do not use an additional combustion process. The term does not include any system whose primary purpose is the generation of electricity unless the generation system consumes wellhead gas that would otherwise be flared, vented, or wasted."

Page 2, line 8, replace "This" with "Section 3 of this"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2417**

Page 1, line 6, replace "study" with "consider studying"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2371, SB 2372, SB 2404.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371**

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 21, remove "Local" and overstrike "share" and insert immediately thereafter "Distribution"



Page 5, line 25, remove "or invasive species"

Page 6, line 2, remove "or invasive species"

Page 6, line 3, overstrike the first "the" and insert immediately thereafter "a" and replace "the" with "a"

Page 6, replace lines 4 through 28 with:

**"SECTION 4. County and city weed boards - Control of invasive species - Acceptance of grants."**

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2.
  - a. If grant funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
    - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
    - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
  - b. Notwithstanding any other law, a county or a city weed board may accept a grant under this subsection and implement a plan, approved by the commissioner, for the control of invasive species within its jurisdiction.
3. In addition to grant funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
  - a. Economic harm;
  - b. Environmental harm; or
  - c. Harm to human health."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2372**

Page 1, line 11, remove "the facility"

Page 1, line 12, replace "Is" with "The facility is"

Page 1, line 15, replace "Has" with "The facility has"

Page 1, line 16, replace "Is" with "The facility is"

Page 1, line 19, after "human" insert "food"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2404**

Page 1, line 5, remove "takes, receives, or"

Page 1, line 12, remove "takes, receives, or"

Page 1, line 19, replace "5" with "4"

Page 2, line 25, replace "for record" with "a form UCC-1A in the central indexing system and recording the lien in the real estate records"

Page 2, line 26, replace "a verified notice of lien in substantially the following form:" with an underscored period

Page 2, remove lines 27 through 30

Page 3, remove lines 1 through 9

Page 3, line 10, replace "verified notice of" with "the oil and gas owner's"

Page 3, line 14, remove "deemed to be"

Page 3, line 15, replace "instrument" with "lien" and replace "Instruments" with "Liens must be filed in the central indexing system and recorded in the real estate records of the county. Liens"

Page 3, line 17, remove "relates"

Page 3, line 18, remove "back to and is effective as of the date on which the severance occurred and"

Page 3, line 19, after "attach" insert "thereafter"

Page 3, line 26, replace "an" with "a lien"

Page 3, line 27, remove "instrument"

Page 4, line 15, replace "an instrument" with "a lien"

Page 4, line 16, replace "instrument" with "lien"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2076, SB 2185, SB 2369.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2370, SB 2388, SB 2389, SB 2416.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1128, HB 1147, HB 1181, HB 1280, HB 1389, HB 1545.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The President has signed: SB 2033, SB 2057.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1038, HB 1067, HB 1121, HB 1128, HB 1142, HB 1147, HB 1168, HB 1181, HB 1245, HB 1280, HB 1294, HB 1318, HB 1323, HB 1341, HB 1351, HB 1383, HB 1389, HB 1475, HB 1495, HB 1545, HB 1567.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1025, HB 1030, HB 1036, HB 1061, HB 1062, HB 1072, HB 1078, HB 1084, HB 1087, HB 1098, HB 1099, HB 1115, HB 1117, HB 1118, HB 1122, HB 1132, HB 1137, HB 1141, HB 1149, HB 1150, HB 1163, HB 1164, HB 1184, HB 1201, HB 1205, HB 1215, HB 1220, HB 1270, HB 1273, HB 1287, HB 1300, HB 1326, HB 1353, HB 1382, HB 1414, HB 1430, HB 1451, HB 1455, HB 1482, HB 1500.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 19, 2009: SB 2033, SB 2057.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 19, 2009: SB 2054.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 19, 2009, I have signed the following: SB 2029, SB 2031, SB 2032, SB 2033, SB 2039, SB 2048, SB 2054, SB 2055, SB 2056, SB 2057, SB 2058, SB 2071, SB 2073, SB 2074, SB 2077, SB 2078, SB 2079, SB 2080, SB 2093, SB 2094, SB 2102, SB 2104, SB 2106, SB 2111, SB 2113, SB 2119, SB 2120, SB 2122, SB 2130, SB 2134, SB 2136, SB 2144, SB 2145, SB 2180, SB 2193, SB 2299, SB 2325, SB 2347, SB 2375, SB 2376, SB 2377, and SB 2392.

**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., Friday, March 20, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1014, 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 1014 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "288,285" with "674,391" and replace "4,341,801" with "4,727,907"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "827,117" and replace "1,467,264" with "1,740,404"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0301 FN 1**

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

**REPORT OF STANDING COMMITTEE**

**HB 1044, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 3, after "risk" insert "; and to provide a continuing appropriation"

Page 1, line 7, after "**Rules**" insert "**- Continuing appropriation**"

Page 2, after line 9, insert:

"4. The department may accept and receive grants and other sources of funding for the development of a program for services to transition-aged youth at risk. All moneys received by the department as gifts, grants, or donations for the development of a program for services to transition-aged youth at risk under this section are appropriated on a continuing basis to the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1091: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1235, as reengrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed HB 1235 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an expiration date;"

Page 1, line 15, after the period insert "The rate reduction under this subsection becomes effective on the first day of the month following a month for which the average price of a barrel of crude oil is less than fifty-five dollars. The rate reduction under this subsection"

becomes ineffective on the first day of the month following a month in which the average price of a barrel of crude oil exceeds seventy dollars. If the rate reduction under this subsection is effective on the date of completion of a well, the rate reduction applies to production from that well for up to eighteen months after completion, subject to the other limitations of this subsection. If the rate reduction under this subsection is ineffective on the date of completion of a well, the rate reduction under this subsection does not apply to production from that well at any time."

Page 1, line 16, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 1, line 17, after the period insert "However, if on May 1, 2009, the exemptions under subsection 3 of section 57-51.1-03 have been reinstated, this Act does not become effective until the first day of the month when the exemptions under subsection 3 of section 57-51.1-03 become ineffective, by operation of the trigger price provision in subsection 3 of section 57-51.1-03. This Act is effective for taxable events occurring through June 30, 2012, and is thereafter ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1258, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1258 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1284, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "subsection" with "subsections 19 and"

Page 1, line 4, replace "term" with "terms", after "viatical" insert "or life", and after "contract" insert "and security"

Page 1, line 8, replace "Subsection" with "Subsections 19 and"

Page 1, line 9, replace "is" with "are"

Page 1, after line 9, insert:

"19. "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; viatical or life settlement contract or a fractionalized or pooled interest therein; program, contract, or other arrangement in which persons invest in a common enterprise the returns of which depend to any extent upon inducing other persons to participate or invest in the enterprise; investment of money or money's worth including goods furnished or services performed in the risk capital of a venture with the expectation of profit or some other form of benefit to the investor when the investor has no direct control over the investment or policy decisions of the venture; voting-trust certificate; certificate of deposit for a security; foreign currency commodity contract, as used in chapter 51-23; or beneficial interest in title to property, profits, or earnings; or, in general, any interest or instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing."

Page 1, line 10, after "Viatical" insert "or life"

Page 1, line 13, after ""Viatical" insert "or life"

Page 1, line 16, overstrike "viator" and insert immediately thereafter "owner" and overstrike "viatical"

Page 1, line 17, overstrike "settlement"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1332: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1344, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1360: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a legislative council study of the rights of regional education association employees."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - RIGHTS OF REGIONAL EDUCATION ASSOCIATION EMPLOYEES.** During the 2009-10 interim, the legislative council shall study whether the rights accorded to an individual employed by a regional education association should be the same as the rights accorded to an individual employed by the board of a school district for the same purpose. The study must define or otherwise delineate the specific "rights" to be accorded to ensure a clear and uniform interpretation of any statutory or regulatory duties and obligations. The study must address criminal history background checks, access to loan forgiveness programs, participation in the public employees retirement system or the teachers' fund for retirement, the observance of certain holidays, obligations for professional development, conflicts of interest, bonding, open records exceptions, signing bonuses, bidding procedures for employee group health plans, employment contracting and dismissal of administrators and teachers, evaluations, suspensions, proceedings governing a discharge for cause, presentation of teaching licenses, grounds for revocation of a teaching license, negotiations and conflicts of interest in representation, impasse procedures, the accumulation of sick leave, personnel files, eligibility for national board certification scholarships, policy requirements governing contagious diseases, and obligations under the workforce safety and insurance provisions, as well as any other rights found to be applicable to employees of school districts. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1364, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1365: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1368, as reengrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1368 was placed on the Sixth order on the calendar.

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

Page 1, line 3, remove "appropriation;"

Page 1, line 8, replace "state tax commissioner" with "attorney general"

Page 1, line 9, replace "and affix stamps on" with "or sell"

Page 2, line 17, replace "**Penalty**" with "**Seizure**"

Page 4, line 17, remove "Any manufacturer who fails to make copies of these reports"

Page 4, remove lines 18 through 20

Page 5, line 2, remove "if the wholesale or retail dealers can establish that state"

Page 5, line 3, remove "tax stamps were affixed to the cigarettes before August 1, 2010, and"

Page 5, after line 15, insert:

"9. If any law enforcement personnel or duly authorized representative of the state fire marshal discovers any cigarettes for which no certification has been filed as required by section 18-13-03, or which have not been marked as required by section 18-13-04, that personnel or representative may seize and take possession of the cigarettes. Cigarettes seized under this subsection must be destroyed; provided, however, that before the destruction of the cigarettes, the true holder of the trademark rights in the cigarette brand is permitted to inspect the cigarette."

Page 6, line 9, replace "two" with "one", remove "fifty", and remove "The state fire marshal may"

Page 6, remove lines 10 and 11

Page 7, remove line 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 8

Page 10, line 9, replace "**18-13-10**" with "**18-13-05**"

Page 10, remove lines 13 through 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1433, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Sixth order on the calendar.

Page 1, line 2, after the third semicolon insert "to provide an effective date; to provide an expiration date;"

Page 1, line 18, after "that" insert "has a capacity of fewer than thirty-one licensed beds, was not previously a hospital with critical access designation after May 31, 2009, and"

Page 2, after line 10, insert:

"d. The matching funds for the special care rate must be from municipal or county funds."

Page 2, line 11, after "appropriated" insert "out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$28,761, or so much of the sum as may be necessary, and"

Page 2, after line 20, insert:

**"SECTION 4. CONTINGENT EFFECTIVE DATE.** This Act is contingent on the state department of health certifying to the legislative council, before April 16, 2009, that Richardton memorial hospital has notified the state department of health that the hospital is releasing the hospital's critical access designation.

**SECTION 5. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2011, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1437: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 677 of the Senate Journal, House Bill No. 1437 is amended as follows:

Page 1, line 11, after "checks" insert "for licensees"

Page 3, line 15, replace "may" with "shall"

Page 3, line 16, remove "or a licensee"

Page 3, line 17, after the underscored period insert "The board may require any licensee to submit to a statewide and nationwide criminal history check."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1464, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was placed on the Fourteenth order on the calendar.

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

**Fran A. Gronberg, Secretary**

