

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, March 10, 2009

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

The prayer was offered by Senator Terry Wanzek, District 29.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1029, as engrossed: SEN. DEVER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 691 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1110, as engrossed: SEN. HECKAMAN (Agriculture Committee) MOVED** that the amendments on SJ page 691 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1463:** A BILL for an Act to create and enact four new sections to chapter 54-07 of the North Dakota Century Code, relating to the creation of a state youth council; to provide for a report to the legislative council; and to provide an expiration 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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Erbele; Freborg; Kilzer; Klein; Lee, G.; Stenehjem; Wanzek

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1463, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1378:** A BILL for an Act to amend and reenact sections 15.1-06-01 and 15.1-22-02 of the North Dakota Century Code, relating to the age of admission to schools; 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Dever; Heckaman; Kilzer; Miller; O'Connell; Oehlke

**ABSENT AND NOT VOTING:** Marcellais

HB 1378, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1307:** A BILL for an Act to amend and reenact section 50-24.4-07 of the North Dakota Century Code, relating to nonallowable costs in nursing home ratesetting.

### 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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1307, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1303:** A BILL for an Act to amend and reenact section 50-24.4-06 of the North Dakota Century Code, relating to factors considered in determining nursing home rates.

### 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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1303, 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 create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to a domestic distillery license; and to amend and reenact sections 5-03-06 and 5-03-07 of the North Dakota Century Code, relating to examination by and reports to the tax commissioner and the imposition of tax on alcoholic beverages sold in this state.

### 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, 3 NAYS, 0 EXCUSED, 1 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.; Lyson; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Lindaas; Mathern; Pomeroy

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1249, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to create and enact a new section to chapter 43-32 of the North Dakota Century Code, relating to licensing of psychologists; to amend and reenact sections 43-32-01, 43-32-8.1, 43-32-13, 43-32-17, 43-32-20, 43-32-20.1, and 43-32-27, subsection 1 of section 43-32-27.1, and section 43-32-30 of the North Dakota Century Code, relating to licensing of psychologists and the practice of psychology; and to repeal section 43-32-19 of the North Dakota Century Code, relating to licensing of psychologists.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1145, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1129:** A BILL for an Act to amend and reenact sections 54-10-13, 54-10-14, 54-10-15, and 54-10-19 of the North Dakota Century Code, relating to audits of political subdivisions; and to repeal section 54-10-18 of the North Dakota Century Code, relating to records and fiscal affairs of counties.

**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, 3 NAYS, 0 EXCUSED, 1 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; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Krauter; Lyson; Olafson

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1129, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1063:** A BILL for an Act to amend and reenact section 65-05-29 of the North Dakota Century Code, relating to workers' compensation coverage for preexisting conditions; and to provide for application.

**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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Dotzenrod

**ABSENT AND NOT VOTING:** Marcellais

HB 1063, as amended, passed and the title was agreed to.

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**REQUEST**

**SEN. DOTZENROD REQUESTED** that the record show that he intended to vote "YEA" on HB 1063, which request was granted.

**SECOND READING OF HOUSE BILL**

**HB 1072:** A BILL for an Act to create and enact sections 30.1-04-14, 30.1-04-15, 30.1-04-16, 30.1-04-17, 30.1-04-18, 30.1-04-19, 30.1-04-20, 30.1-04-21, 30.1-10-05, and 30.1-10-06 of the North Dakota Century Code, relating to the Uniform Probate Code; and to amend and reenact sections 30.1-01-06, 30.1-04-02, 30.1-04-03, 30.1-04-04, 30.1-04-08, 30.1-04-09, 30.1-05-01, 30.1-07-01, 30.1-07-03, 30.1-08-02, 30.1-08-04, 30.1-09.1-05, 30.1-09.1-06, 30.1-09.1-07, 30.1-15-06, and 30.1-35-01 of the North Dakota Century Code, relating to the Uniform Probate Code.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1072 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1030:** A BILL for an Act to amend and reenact section 54-06-30 of the North Dakota Century Code, relating to the state employee performance bonus program.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1030 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1115:** A BILL for an Act to amend and reenact section 54-27-11 of the North Dakota Century Code, relating to fiscal administration.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern;

Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1115 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act authorizing the state of North Dakota acting through job service North Dakota to sell certain property; and to declare an emergency.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1117 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1118:** A BILL for an Act authorizing the state of North Dakota acting through job service North Dakota to sell certain properties.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1118 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1122:** A BILL for an Act to amend and reenact section 32-12.2-15 of the North Dakota Century Code, relating to authorization of agencies to limit the liability to the state of certain contracting parties.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1122 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1132:** A BILL for an Act to amend and reenact subsection 2 of section 39-06-03, subsection 3 of section 39-06-19, subsection 1 of section 39-06.2-09, subsection 17 of section 39-06.2-10, section 39-20-03.1, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to who may be licensed, distinguishing numbers on operator's licenses, content of commercial driver's licenses, disqualification and cancellation of commercial driver's licenses, action following test results of a resident operator, action following test result or refusal of a nonresident operator, and action following test results; and to repeal section 39-16-29 of the North Dakota Century Code, relating to seizure or return of an operator's license.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1132 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1164:** A BILL for an Act to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to the transfer of oil extraction tax revenues.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1164 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1220:** A BILL for an Act to amend and reenact subsection 8 of section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a meeting.

**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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1220 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1287:** A BILL for an Act to amend and reenact subsection 7 of section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of drivers' licenses.

### 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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1287 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1482:** A BILL for an Act to amend and reenact sections 37-28-02 and 37-28-03 of the North Dakota Century Code, relating to the definition of foreign service and period of service and payment of adjusted compensation for domestic and foreign service; to amend and reenact section 6 of chapter 17 of the 2005 Session Laws, as amended by section 10 of chapter 42 of the 2007 Session Laws, relating to payment of adjusted compensation for veterans; and to declare an emergency.

### 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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1482 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1163:** A BILL for an Act to amend and reenact section 57-33.1-08 of the North Dakota Century Code, relating to the transfer of transmission line tax revenues.

### 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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1163 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1414:** A BILL for an Act to create and enact section 39-04-10.14 of the North Dakota Century Code, relating to the issuance of special plates for surviving family members of fallen members of the United States military.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

HB 1414 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1149:** A BILL for an Act to amend and reenact section 4-33-02 of the North Dakota Century Code, relating to the state agricultural entomologist.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1149 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1150:** A BILL for an Act to repeal chapter 4-38 of the North Dakota Century Code, relating to organic foods standards.

**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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

**NAYS:** Potter; Triplett

**ABSENT AND NOT VOTING:** Marcellais

HB 1150 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to the certification of forage; to repeal section 63-01.1-12.2 of the North Dakota Century Code, relating to weed-free certification; 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, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed HB 1270 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1326:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to requested certification by livestock producers and processors; and to provide a continuing appropriation.

**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, 0 NAYS, 0 EXCUSED, 1 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1326 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3001:** A concurrent resolution directing the Legislative Council to continue its study of North Dakota Century Code provisions that relate to agriculture.

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

HCR 3001 was declared adopted, and the title was agreed to on a voice vote.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1048, HB 1101, HB 1130, HB 1135, HB 1153, HB 1223, HB 1257, HB 1277, HB 1291, HB 1296, HB 1340, HB 1345, HB 1367, HB 1420, HB 1460, HB 1497, HB 1566.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1027, HB 1064.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1541.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2026, SB 2135, SB 2140, SB 2149, SB 2150, SB 2254, SB 2299, SB 2375, SB 2377.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2033, SB 2099, SB 2110, SB 2419.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2033**

Page 3, line 4, replace "August 1, 2011" with "January 1, 2012"

Page 3, line 7, replace "July" with "December"

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2099**

Page 1, line 2, after the semicolon insert "and"

Page 5, line 19, remove "After"

Page 5, remove lines 20 through 22

Page 7, line 3, overstrike "**Revocation of license**" and insert immediately thereafter "**Disciplinary actions**"

Page 7, line 4, remove "fined up"

Page 7, line 5, remove "to two hundred fifty dollars."

Page 7, line 29, after "2." insert "A licensee who violates this chapter or any rule adopted by the board may be assessed a civil penalty of up to one hundred dollars."

3."

Page 8, line 1, overstrike "3." and insert immediately thereafter:

"4."

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2110**

Page 5, line 16, remove the overstrike over "~~certification~~", remove "~~education~~", and overstrike "~~program~~" and insert immediately thereafter "**and education programs**"

Page 5, line 17, overstrike "shall" and insert immediately thereafter "may", remove the overstrike over "~~certification~~", remove "~~an education~~", and overstrike "program" and insert immediately thereafter "and education programs"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2419**

Page 1, line 3, after "awards" insert "; and to provide for application"

Page 1, line 18, after "institution" insert ". If it is necessary for an employee to travel less than twenty-five miles one way to a school or training institution, the employee may qualify for an additional rehabilitation allowance as determined in accordance with the following schedule:"

<u>Round-trip mileage</u>	<u>Percentage increase in rehabilitation allowance</u>
<u>Under 10 miles</u>	<u>0</u>
<u>10 to 30 miles</u>	<u>10</u>
<u>31 to 50 miles</u>	<u>20</u>

Travel must be calculated from the employee's residence to the school or training institution.

**SECTION 2. APPLICATION.** This Act applies to new retraining programs beginning on or after the effective date of this Act and to existing retraining programs from the date of the first new semester following the effective date of this Act."

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 2158.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2158**

Page 1, line 3, after "practitioners" insert "and physician assistants; to provide for legislative intent; and to declare an emergency"

Page 1, line 8, after "**practitioners**" insert "**and physician assistants**"

Page 1, line 9, after "practitioners" insert "and physician assistants"

Page 1, line 11, after "practitioner" insert "or physician assistant"

Page 1, line 12, after "practitioner's" insert "or physician assistant's" and after the underscored period insert:

**"SECTION 2. DEPARTMENT TO SUBMIT AMENDED PLAN.** Within thirty days of the effective date of this Act, the department of human services shall submit for approval an amended state plan to implement section 1 of this Act.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2117.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2426.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2037, SB 2045, SB 2086, SB 2088, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2164, SB 2167, SB 2174, SB 2203, SB 2215, SB 2325, SB 2347.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2037, SB 2045, SB 2086, SB 2088, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2164, SB 2167, SB 2174, SB 2203, SB 2215, SB 2325, SB 2347.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3004.

**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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Wednesday, March 11, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1024, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1024 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1060, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1060 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1094: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1139: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1139 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1192, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1192 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1225, as reengrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1225 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "\$5,000,000" with "\$8,000,000"

Page 2, line 9, replace "\$5,000,000" with "\$4,000,000" and after "2009" insert "and \$4,000,000 in 2010"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1230 was placed on the Sixth order on the calendar.

Page 1, line 2, after "center" insert "; and to declare an emergency"

Page 1, line 4, remove "from federal funds made"

Page 1, replace lines 5 through 11 with "out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, and from federal funds made available to the state from federal action to provide funding to the states to stimulate the national economy or to address state fiscal recovery and from other income derived from gifts, grants, or donations, the sum of \$3,000,000, or so much of the sum as may be necessary, to Williston state college for the purpose of constructing a virtual center for career and technical education, for the biennium beginning July 1, 2009, and ending June 30, 2011. If federal fiscal stimulus funding is not available to provide the \$3,000,000 appropriated in this section, Williston state college shall seek other income from gifts, grants, and donations, to the extent necessary, to provide the \$3,000,000 of federal or other funds for the center."

Page 1, line 12, remove "nonstate matching funds are provided for each one dollar of federal funds."

Page 1, after line 14, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment changes the funding source for the virtual center for career and technical education project to provide \$3 million of funding from the permanent oil tax trust fund and \$3 million from federal stimulus money. If \$3 million of federal stimulus funds is not available, Williston State College shall seek other funds from gifts, grants, or donations, to the extent necessary, to provide the \$3 million of federal or other funds for the center. This amendment also adds an emergency clause.

**REPORT OF STANDING COMMITTEE**

**HB 1232: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1253, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1253 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "produced" and insert immediately thereafter "is first marketed"

Page 2, line 3, after the second "operator" insert ", upon request," and replace "notify" with "inform"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1321, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1321 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1322, as reengrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1322 was placed on the Sixth order on the calendar.

Page 2, line 3, remove "and"

Page 2, line 4, after "n." insert "A member appointed by the public service commission; and

o."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1339: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1369, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1369 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1392, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1392 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "retroactively" and replace "to include all" with "for"

Page 1, line 23, replace "2007" with "2008"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1402, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1402 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1428: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1477, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1477 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1484: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1513: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1513 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1556, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1556 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1575, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1575 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HCR 3011, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3011 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3036: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

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

**Fran A. Gronberg, Secretary**