

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, January 31, 2007

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

The prayer was offered by Chaplain David Vaughn, Spirit of Life, Mandan and Chaplain of North Dakota State Penitentiary, Bismarck.

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

A quorum was declared by the President.

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural Committee on Committees (Sen. Stenehjem, Chairman) recommends the appointment of Sens. Dever, Tollefson, and Nelson to the Senate Memorial Committee.

**SEN. STENEHJEM MOVED** that the report be adopted, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2180: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ page 244 be adopted and then be **REREFERRED** to the Appropriations Committee with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2104: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 243-244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2295: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 245 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2101:** A BILL for an Act to amend and reenact subsections 3 and 5 of section 53-12.1-01, subsection 1 of section 53-12.1-04, sections 53-12.1-08 and 53-12.1-09, subsection 1 of section 53-12.1-11, subsection 1 of section 53-12.1-12, and subsection 2 of section 57-40.3-04 of the North Dakota Century Code, relating to the North Dakota lottery and a motor vehicle excise tax exemption for a motor vehicle to be awarded as a prize by the lottery; to provide a penalty; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2101 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2177:** A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the penalty for unlawful delivery of alcohol to certain persons.

**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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Potter

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2177 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2210:** A BILL for an Act to create and enact a new section to chapter 13-01 of the North Dakota Century Code, relating to the amount of late payment charges and finance charges on medical bills; and to amend and reenact sections 13-01-14 and 13-01-15 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

**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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2210 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2214:** A BILL for an Act to amend and reenact section 2-02-02, subdivision c of subsection 4 of section 2-06-16, section 2-06-20, subsection 7 of section 6-09-15, subsection 7 of section 10-13-03, subsection 1 of section 11-09.1-05, sections 11-36-17 and 15-09-05, subsection 8 of section 15.1-09-33, subsection 7 of section 20.1-02-05, subsection 13 of section 23-11-11, sections 24-01-18, 24-05-09, 24-17-09, and 32-15-01, subsections 22, 36, 59, 66, 67, and 68 of section 40-05-01, subsection 19 of section 40-05-02, section 40-05-11, subsection 1 of section 40-05.1-06, sections 40-22-38, 40-34-01, and 40-34-15, subsection 1 of section 40-35-03, section 40-39-02, subsection 1 of section 40-49-12, section 40-58-02, subsection 3 of section 40-58-07, subsection 3 of section 40-61-03, subsection 4 of section 40-61-05, sections 48-02.1-05 and 49-17.2-18, subsection 3 of section 49-19-01, sections 49-19-12 and 54-17-10, subsection 8 of section 54-17.2-03, sections 54-18-04 and 61-02-22, subsection 6 of section 61-07-01, subsections 7 and 8 of section 61-07-03, subsection 3 of section 61-07-16, and sections 61-21-19, 61-21-64, 61-21.1-06, and 61-35-49 of the North Dakota Century Code, relating to the exercise of the power of eminent domain; and to repeal section 40-58-08 of the North Dakota Century Code, relating to the use of eminent domain for urban renewal.

**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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2214 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2230:** A BILL for an Act to amend and reenact sections 16.1-11.1-01, 16.1-11.1-02, 16.1-11.1-03, 16.1-11.1-04, and 16.1-11.1-06 of the North Dakota Century Code, relating to mail ballot elections.

#### **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 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Behm; Bowman; Dever; Fiebigier; Fischer; Flakoll; Grindberg; Heckaman; Heitkamp; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Christmann; Cook; Erbele; Freborg; Hacker; Holmberg; Lindaas; Lyson; O'Connell; Potter; Triplett; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2230 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2233:** A BILL for an Act to amend and reenact subsection 7 of section 16.1-06-04, sections 16.1-06-10.1 and 16.1-06-11, subsection 2 of section 16.1-06-17, and sections 16.1-06-18, 16.1-06-19, 16.1-06-20, 16.1-06-21, 16.1-06-22, and 16.1-06-23 of the North Dakota Century Code, relating to election ballots and voting systems.

#### **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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2233 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to amend and reenact sections 40-09-03 and 40-21-07 of the North Dakota Century Code, relating to municipal elections.

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

**NAYS:** Krebsbach; Seymour

**ABSENT AND NOT VOTING:** Andrist

SB 2236 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2262:** A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code, relating to the renunciation of criminal intent.

### **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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2262 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2296:** A BILL for an Act to amend and reenact sections 26.1-25-02.1 and 26.1-25-04 of the North Dakota Century Code, relating to the definitions of noncompetitive market, insurance company rate filings, and policy forms.

### **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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

SB 2296 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; 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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2023 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to create and enact two new sections to chapter 14-03 of the North Dakota Century Code, relating to marriage license fee vouchers and premarital counseling; to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to marriage license fees; and to provide an 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 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Mathern; Nothing; Olafson; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Behm; Fiebiger; Hacker; Lee, J.; Marcellais; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Triplett; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2041 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to proof of insurance.

### 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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2146 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2137:** A BILL for an Act to amend and reenact sections 37-17.1-02, 37-17.1-02.1, and 37-17.1-04, subsections 3 and 6 of section 37-17.1-06, subsections 3 and 4 of section 37-17.1-07, subsections 1 and 2 of section 37-17.1-07.1, subsection 3 of section 37-17.1-11, subsection 1 of section 37-17.1-12, section 37-17.1-13, subsections 2 and 4 of section 37-17.1-14.2, sections 37-17.1-19, 37-17.1-20, 37-17.1-21, and 37-17.1-24, and subsections 1 and 3 of section 37-17.1-25 of the North Dakota Century Code, relating to the department of emergency services and the North Dakota Disaster Act of 1985.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2137 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to create and enact a new subsection to section 34-11.1-05 of the North Dakota Century Code, relating to prohibiting state agencies and political subdivisions from restricting employee access to the legislative assembly; and to provide a penalty.

#### **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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Tollefson

**ABSENT AND NOT VOTING:** Andrist; Robinson

SB 2193 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2201:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to establishing a North Dakota hunter educators association antelope license raffle.

#### **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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2201 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2248:** A BILL for an Act to amend and reenact sections 12.1-20-05.1, 29-03-01.1, and 29-03-09 of the North Dakota Century Code, relating to the luring of a minor by electronic means, persons liable for prosecution in this state, and the venue of certain offenses; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2248 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact section 47-04.1-05 of the North Dakota Century Code, relating to descriptions of condominium units in conveyances.

#### **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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

SB 2219 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 16.1-11-06, section 16.1-11-10, subdivision a of subsection 2 of section 16.1-11-11, subdivision a of subsection 1 of section 16.1-11-16, subsection 1 of section 16.1-11-21, subsection 2 of section 16.1-11-26, and section 16.1-11-32 of the North Dakota Century Code, relating to primary elections; and to repeal section 16.1-11-07 of the North Dakota Century Code, relating to presidential preference contests.

#### **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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Holmberg

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2234 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2259:** A BILL for an Act to amend and reenact subsections 1, 2, 3, 7, 8, and 9 of section 12.1-32-15 of the North Dakota Century Code relating to registration requirements for sexual offenders and offenders against children.

#### **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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2259 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2264:** A BILL for an Act to amend and reenact section 23-10-13 of the North Dakota Century Code, relating to sale of a mobile home park.

#### **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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Lyson; Triplett

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2264 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2300:** A BILL for an Act to amend and reenact sections 6-08.4-01 and 6-08.4-06 of the North Dakota Century Code, relating to interstate branching by banks; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Robinson

Engrossed SB 2300 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**SB 2330:** A BILL for an Act to amend and reenact sections 12-55.1-02 and 12-59-01 of the North Dakota Century Code, relating to the membership of the pardon advisory board and the state parole board.

#### **ROLL CALL**

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

**YEAS:** Bakke; Mathern; Warner



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

**ABSENT AND NOT VOTING:** Andrist; Robinson

SB 2330 lost.

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#### **ANNOUNCEMENT**

**PRESIDENT DALRYMPLE ANNOUNCED** that the reports received by the Senate under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2014, SB 2029, SB 2038, SB 2047, SB 2051, SB 2064, SB 2185, SB 2257, SB 2265.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2134.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4012.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1248, HB 1312, HB 1351, HB 1362, HB 1375, HB 1377, HB 1378.

#### **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 1:00 p.m., Thursday, February 1, 2007, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**SB 2010: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

In lieu of the proposed amendments to Senate Bill No. 2010, as printed on pages 207 and 208 of the Senate Journal, Senate Bill No. 2010 is amended as follows:

Page 1, line 2, after the first semicolon insert "to provide an appropriation to the legislative council;"

Page 1, line 19, replace "(100,000)" with "(100,000)"

Page 1, remove line 20

Page 1, line 21, replace "671,324" with "611,324"

Page 1, line 23, remove "out of any moneys in the general fund in the state"

Page 1, line 24, remove "treasury, not otherwise appropriated, and"

Page 2, line 5, replace "6,320,000" with "6,320,000"

Page 2, remove line 6

Page 2, line 7, replace "14,350,979" with "14,290,979"

Page 2, after line 7, insert:

**"SECTION 4. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying expenses of legislative members attending functions of the national conference of insurance legislators, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 2, line 18, replace "\$1,153,804" with "\$1,003,804"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2010 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Legislative Council			
Total all funds	\$0	\$60,000	\$60,000
Less estimated income		<u>60,000</u>	<u>60,000</u>
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Insurance Department			
Total all funds	\$14,350,979	(\$60,000)	\$14,290,979
Less estimated income	<u>14,350,979</u>	<u>(60,000)</u>	<u>14,290,979</u>
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Bill Total			
Total all funds	\$14,350,979	\$0	\$14,350,979
Less estimated income	<u>14,350,979</u>		<u>14,350,979</u>
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

#### Senate Bill No. 2010 - Legislative Council - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Operating expenses		<u>\$60,000</u>	<u>\$60,000</u>
Total all funds	\$0	\$60,000	\$60,000
Less estimated income		<u>60,000</u>	<u>60,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

#### Dept. 160 - Legislative Council - Detail of Senate Changes

	PROVIDES FUNDING FOR NATIONAL CONFERENCE OF INSURANCE OF LEGISLATORS <sup>1</sup>	TOTAL SENATE CHANGES
Operating expenses	<u>\$60,000</u>	<u>\$60,000</u>
Total all funds	\$60,000	\$60,000
Less estimated income	<u>60,000</u>	<u>60,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment appropriates \$60,000 of special funds from the insurance regulatory trust fund to the Legislative Council for defraying expenses of legislative members attending functions of the National Conference of Insurance Legislators during the 2007-09 biennium.

#### Senate Bill No. 2010 - Insurance Department - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,792,602		\$5,792,602
Operating expenses	2,178,377		2,178,377
Grants	6,320,000		6,320,000
National Conference of Insurance Legislators	<u>60,000</u>	<u>(\$60,000)</u>	
Total all funds	\$14,350,979	(\$60,000)	\$14,290,979
Less estimated income	<u>14,350,979</u>	<u>(60,000)</u>	<u>14,290,979</u>
General fund	\$0	\$0	\$0
FTE	46.50	0.00	46.50

## Dept. 401 - Insurance Department - Detail of Senate Changes

	REMOVES FUNDING FOR NATIONAL CONFERENCE OF INSURANCE LEGISLATORS <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Grants		
National Conference of Insurance Legislators	(\$60,000)	(\$60,000)
Total all funds	(\$60,000)	(\$60,000)
Less estimated income	(60,000)	(60,000)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding of \$60,000 from special funds for operating expenses associated with legislative members' functions of the National Conference of Insurance Legislators.

This amendment also amends Section 6 of the bill as introduced to decrease the administrative costs allocated to the fire and tornado fund by \$150,000 from \$1,153,804 to \$1,003,804.

**REPORT OF STANDING COMMITTEE**

**SB 2022: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2022 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2165: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2187: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2209: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2209 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2223: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2260: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2266: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2266 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "51-15-02.1" insert "and 51-15-02.2"

Page 1, line 2, after "check" insert "and to solicitations of payments due"

Page 1, line 7, replace "**15-15-02.1**" with "**51-15-02.1**"

Page 1, line 9, replace "which" with "that"

Page 1, after line 10, insert:

"**SECTION 2.** Section 51-15-02.2 of the North Dakota Century Code is created and enacted as follows:

**51-15-02.2. Solicitation of payment by bill, invoice, or statement of account due.** It is a deceptive act or practice in violation of this chapter for a person to send, deliver, or transmit a bill, an invoice, or a statement of account due, or a writing that could reasonably be interpreted as a bill, an invoice, or a statement of account due, to solicit payment of money by another person for goods not yet ordered or for services not yet performed and not yet ordered."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2301: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2301 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "twenty-five" with "two hundred"

Page 2, line 6, replace "The seller's name, physical description including gender, height, weight, race," with "A"

Page 2, remove line 7

Page 2, line 8, remove "number or a"

Page 2, remove lines 27 through 30

Page 3, remove lines 1 through 19

Page 3, line 22, after "seller" insert "a"

Page 3, line 23, replace "evidence" with "statement"

Page 3, line 24, replace "evidence" with "a statement"

Page 3, line 25, replace the first underscored comma with "and" and remove ", and 4"

Page 4, line 9, replace the first underscored comma with "or" and remove ", or"

Page 4, line 10, remove "4" and replace "A" with "B"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2302: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2303: 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). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 7, after "information" insert "technology"

Page 1, line 8, after "information" insert "technology"

Page 1, line 15, replace "communities" with "and urban economic development entities"

Page 1, remove line 17

Page 1, line 18, replace "e." with "d."

Page 1, line 19, replace "f." with "e."

Page 1, remove line 20

Page 1, line 21, replace "h." with "f." and replace "physicians" with "and urban health care providers"

Page 1, line 22, replace "i." with "g."

Page 1, line 23, replace "j." with "h."

Page 1, line 24, replace "k." with "i."

Page 2, line 1, replace "l." with "j."

Page 2, line 2, replace "m." with "k."

Page 2, line 3, replace "n." with "l."

Page 2, line 12, after "standards" insert ", promotes the adoption and use of electronic health records and other health information technologies."

Page 2, line 15, replace "that will fund collaborative" with "to assist in the planning and implementation of"

Page 2, remove line 16

Page 2, line 17, remove "health information technology systems"

Page 2, line 22, replace "\$500,000" with "\$100,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2309: 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). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections 15.1-01-02 and" with "section"

Page 1, line 4, remove "and student proficiency"

Page 1, remove lines 6 through 24

Page 2, line 17, replace "units" with "years"

Page 2, line 18, replace "units" with "years"

Page 2, line 19, replace "units" with "years"

Page 2, line 20, replace "units" with "years"

Page 2, line 21, replace "unit" with "year" and after the underscored semicolon insert "and"

Page 2, line 22, replace "unit" with "year" and replace "; and" with ", fine arts, or career and technical education."

Page 2, remove line 23

Page 2, line 27, replace "units" with "years"

Page 2, line 28, replace "units" with "years"

Page 2, line 29, replace "units" with "years"

Page 2, line 30, replace "units" with "years"

Page 2, line 31, replace "unit" with "year" and after the underscored semicolon insert "and"

Page 3, line 1, replace "units" with "years" and replace "; and" with ", fine arts, or career and technical education."

Page 3, remove line 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2311: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2318: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2318 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2334: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2334 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2411: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2411 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2414: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Lyson, Klein, Triplett and Reps. Kretschmar, Mueller, Weiler introduced:

**SCR 4023:** A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the beginning of a term of office for a sheriff.

Was read the first time and referred to the **Judiciary Committee**.

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

**William R. Horton, Secretary**