

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, March 16, 2009

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

The prayer was offered by Reverend Jack Carlson, First Lutheran Church, Mandan.

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

A quorum was declared by the President.

## REPORT OF STANDING COMMITTEE

**HB 1170: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "or can be determined upon reasonable inquiry" and insert immediately thereafter "in the office of the county recorder in the county in which the mineral interest is located"

Renumber accordingly

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1170 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1170 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1227 be placed at the bottom of the Sixth order, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1175, as engrossed: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 755-756 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1073, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 753-754 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1151, as engrossed: SEN. POTTER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 754-755 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1295, as engrossed: SEN. NETHING (Transportation Committee) MOVED** that the amendments on SJ page 757 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1194, as engrossed: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 756 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1391: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 757 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1001, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 753 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1004, as engrossed: SEN. WARDNER (Appropriations Committee) MOVED** that the amendments on SJ page 753 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**SEN. COOK:** Mr. President: I rise on a point of personal privilege.

**REMARKS OF SENATOR COOK**

**MR. PRESIDENT:** Across the river in a high school gymnasium there hangs a very special bell. It is the Mandan High School championship bell that is only allowed to ring when a Mandan High School team wins a state championship. For the last six years our state class A basketball tournament has concluded with the ringing of this proud championship bell. Well Mr. President, this past weekend that string of six straight girls championships and 21 straight tournament victories came to an end. I would like to congratulate Girls Coach Greg Amundson and the team for their tremendous success. I would also like to congratulate senior Ali Collins for becoming the sixth Mandan Girls Basketball player to be named Miss Basketball North Dakota. To all the girls, to Coach Amundson, and to Ali Collins, I say job well done.

But Mr. President, the ending of that championship streak did not mean the conclusion of this year's state class A basketball tournament would keep that bell silent. Mr. President, the championship bell in the Mandan gymnasium was again ringing loud with pride. For the Mandan boys team, lead by first year coach and Coach of the Year, Jason Horner, brought home their own championship trophy. With a resilient defense, and clutch free throw shooting, the boys continued Mandan's proud tradition as they defeated the West Fargo Packers in the championship game.

Special congratulations to Brian Kielpinski, for being named the tournament's most valuable player and to Jordan Thilmony and Jordan Maurer for being named to the All Tournament Team.

To the entire Mandan boys basketball team, job well done. The championship bell is still ringing in Mandan!

**REQUEST**

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

**SECOND READING OF HOUSE BILL**

**HB 1142:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to insurance producer continuing education requirements.

**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; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjelm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1142 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1338:** A BILL to provide for a legislative council study of solid waste management, with an emphasis on the siting and zoning of landfills on a statewide or regional level while allowing adequate protection for political subdivisions and property owners.

**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; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1338, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1329:** A BILL for an Act to amend and reenact section 14-09-09.7 of the North Dakota Century Code, relating to the child support guidelines; and to provide an agency directive.

**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; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1329, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1166:** A BILL for an Act to amend and reenact sections 57-02-27.1, 57-02-27.2, 57-02-38, and 57-12-09, subsection 4 of section 57-14-08, and section 57-20-03 of the North Dakota Century Code, relating to the deletion of obsolete dates and references for the purposes of valuation and assessment of agricultural lands, assessment of unplatted, undeveloped, and nonagricultural real property located outside of a city, and notice requirements for increased property tax assessments; 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, 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; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1166, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1318:** A BILL for an Act to amend and reenact subsection 7 of section 39-24-09 of the North Dakota Century Code, relating to snowmobile travel.

**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; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1318 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1515:** A BILL for an Act to provide an appropriation to the department of transportation to pave access roadways to Lake Sakakawea.

**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 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Dotzenrod; Freborg; Hogue; Horne; Lindaas; Nelson; Potter; Seymour; Warner

**NAYS:** Anderson; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Stenehjem; Taylor; Triplett; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1515 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1067:** A BILL for an Act to amend and reenact section 54-44.3-20 of the North Dakota Century Code, relating to exempting engineers and geologists employed by the director of mineral resources from classified service; 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 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nodland; O'Connell; Oehlke; Olafson; Triplett; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Behm; Dotzenrod; Fiebigier; Heckaman; Holmberg; Horne; Krauter; Lindaas; Marcellais; Nelson; Nething; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1067 passed, the title was agreed to, but the emergency clause lost.

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**SECOND READING OF HOUSE BILL**

**HB 1567:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to licensing of outfitters; to provide an expiration date; 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; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1567 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1383:** A BILL for an Act to amend and reenact subsection 6 of section 54-17.7-02 and subsection 3 of section 54-17.7-04 of the North Dakota Century Code, relating to authorization for the North Dakota pipeline authority to participate in and provide for funding of pipeline interconnection facilities.

**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; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1383 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1475:** A BILL for an Act providing an appropriation to the department of career and technical education for innovation grants.

**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; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Kilzer

**ABSENT AND NOT VOTING:** Mathern

HB 1475 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to create and enact section 26.1-21-24 of the North Dakota Century Code, relating to bond purchases by state agencies and political subdivisions; and to amend and reenact subsection 3 of section 26.1-01-07.1 and sections 26.1-21-07, 26.1-21-09, and 26.1-21-10 of the North Dakota Century Code, relating to

the insurance regulatory trust fund and insurance provided to state agencies and political subdivisions under the state bonding fund.

#### 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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nething; Nodland; O'Connell; Oehlke; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner

**NAYS:** Anderson; Behm; Dotzenrod; Fiebiger; Heckaman; Nelson; Olafson; Pomeroy; Potter; Triplett; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1294 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1341:** A BILL for an Act to provide for a legislative council study of a state employee tuition reimbursement pool 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; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1341 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1168:** A BILL for an Act to repeal section 54-11-09 of the North Dakota Century Code, relating to registration of bonds by the state treasurer.

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

**ABSENT AND NOT VOTING:** Mathern

HB 1168 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1245:** A BILL for an Act to amend and reenact section 26.1-41-03 of the North Dakota Century Code, relating to eliminating the need for a written request to suspend automobile coverage.

**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; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Flakoll; Oehlke

**ABSENT AND NOT VOTING:** Mathern

HB 1245 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1495:** A BILL for an Act to amend and reenact subsection 1 of section 24-06-28 and section 24-06-29 of the North Dakota Century Code, relating to obstruction of section lines and highways.

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

**ABSENT AND NOT VOTING:** Mathern

HB 1495 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1351:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm at a public gathering.

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

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1351 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1038:** A BILL for an Act to amend and reenact section 50-09-08.6 of the North Dakota Century Code, relating to restrictions on an individual's operator's license for nonpayment of child support or failure to obey a subpoena.

**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; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1038 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1121:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the old-age and survivor insurance trust fund.

**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; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1121 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1221:** A BILL for an Act to provide an appropriation to the department of emergency services for providing grants to eligible political subdivisions that have experienced damage or destruction due to a tornado; 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 NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Dotzenrod; Fiebig; Heckaman; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

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

**ABSENT AND NOT VOTING:** Mathern

Reengrossed HB 1221 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Senate Rule 329(4) be suspended with regard to HB 1400, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1025, HB 1061, HB 1087, HB 1098, HB 1099, HB 1141, HB 1184, HB 1215, HB 1273, HB 1382, HB 1392, HB 1451, HB 1455, HCR 3023.



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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1202, HB 1229, HB 1333, HB 1392, HB 1435.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2209, SB 2210, SB 2211, SB 2233, SB 2253, SB 2282, SB 2298, SB 2300, SB 2328, SB 2422.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2281.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2081, SB 2163, SB 2172.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2081**

Page 1, line 20, overstrike "fourteen" and insert immediately thereafter "fifteen"

Page 2, line 9, overstrike "and"

Page 2, after line 10, insert:

"(7) The university of North Dakota center for rural health; and"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2163**

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case."

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2172**

Page 1, line 1, after "reenact" insert "subsection 6 of section 44-04-18 and"

Page 1, line 2, after "to" insert "access to public records in arbitration proceedings and to"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 6 of section 44-04-18 of the North Dakota Century Code is amended and reenacted as follows:

6. Any request under this section for records in the possession of a public entity by a party to a criminal or civil action ~~or~~, adjudicative proceeding as defined in subsection 1 of section 28-32-01, or arbitration in which the

public entity is a party, or by an agent of the party, must comply with applicable discovery rules or orders and be made to the attorney representing that entity in the criminal or civil action ~~or~~ adjudicative proceeding, or arbitration. The public entity may deny a request from a party or an agent of a party under this subsection if the request seeks records that are privileged under applicable discovery rules."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2294, SB 2306, SB 2428.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2118, SB 2132, SB 2166, SB 2182, SB 2184, SB 2206, SB 2220, SB 2235, SB 2240, SB 2241, SB 2268, SB 2307, SB 2367, SB 2390.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1084, HB 1137, HB 1201, HB 1205, HB 1300, HB 1353, HB 1430, HB 1500.

**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., Tuesday, March 17, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1002, as engrossed: 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). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 2, after the third semicolon insert "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 16, replace "307,132" with "579,058" and replace "2,941,625" with "3,213,551"

Page 1, line 17, replace "1,096,769" with "1,123,769" and replace "3,155,950" with "3,182,950"

Page 1, line 19, replace "2,824,877" with "2,854,877" and replace "8,314,107" with "8,344,107"

Page 1, line 21, replace "1,308,778" with "1,637,704" and replace "14,419,682" with "14,748,608"

Page 1, line 22, replace "38,660" with "41,113" and replace "8,912,525" with "8,914,978"

Page 1, line 23, replace "1,270,118" with "1,596,591" and replace "5,507,157" with "5,833,630"

Page 1, line 24, replace "0.00" with "1.00" and replace the second "27.00" with "28.00"

Page 2, line 11, replace "1,328,618" with "1,655,091" and replace "5,869,157" with "6,195,630"

Page 2, line 12, replace "38,660" with "3,441,811" and replace "8,912,525" with "12,315,676"

Page 2, line 13, replace "1,367,278" with "5,096,902" and replace "14,781,682" with "18,511,306"

Page 2, after line 19, insert:

**"SECTION 3. LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - BUDGET SECTION APPROVAL.** Subject to budget section approval, the secretary of state may borrow up to \$3,400,698 from the Bank of North Dakota, which is appropriated to the secretary of state for the purpose of implementing the North Dakota business development engine computer project, during the biennium beginning July 1, 2009, and ending June 30, 2011. The secretary of state may request budget section approval only if the revenues projected by the secretary of state and the office of management and budget to be generated as a result of provisions of chapter 102 of the

2007 Session Laws over the term of the proposed loan based on the trend of actual corporate charters granted are anticipated to be sufficient to repay the proposed loan, including interest over the term of the loan."

Page 2, after line 31, insert:

**"SECTION 5. EXEMPTION - GENERAL SERVICES OPERATING FUND.** Any unexpended and unobligated balance remaining in the secretary of state's general services operating fund on June 30, 2009, is not subject to the provisions of section 54-09-08, and any unexpended funds are available and may be expended by the secretary of state, during the biennium beginning July 1, 2009, and ending June 30, 2011, for the database and processing platform migration project."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98003.0303 FN 3**

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

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

**HB 1007, as engrossed: 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). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioner" insert "; and to provide legislative intent"

Page 1, line 11, replace "151,736" with "304,511" and replace "1,393,097" with "1,545,872"

Page 1, line 12, replace "(20,000)" with "63,100" and replace "289,230" with "372,330"

Page 1, line 13, replace "131,736" with "367,611" and replace "1,682,327" with "1,918,202"

Page 1, line 14, replace "4,359" with "11,410" and replace "405,700" with "412,751"

Page 1, line 15, replace "127,377" with "356,201" and replace "1,276,627" with "1,505,451"

Page 1, line 16, replace "0.00" with "1.00" and replace the second "11.00" with "12.00"

Page 1, after line 16, insert:

**"SECTION 2. ONE-TIME FUNDING - EFFECTIVE ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Discrimination study	\$0	\$60,000
Total general fund	\$0	\$60,000

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The labor commissioner shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98008.0202 FN 1**

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

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

**HB 1011, as engrossed: 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). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "133,877" with "148,810" and replace "1,399,120" with "1,414,053"

Page 1, line 12, replace "123,006" with "148,006" and replace "681,441" with "706,441"

Page 1, line 13, replace "256,883" with "296,816" and replace "2,080,561" with "2,120,494"

Page 1, line 15, replace "156,883" with "196,816" and replace "1,763,362" with "1,803,295"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT - LC 98012.0301 FN 1

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

#### REPORT OF STANDING COMMITTEE

**HB 1057, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, 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 1057 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 14, replace "must maintain" with "shall comply with", after "accreditation" insert "requirements established", and remove "North Dakota department of"

Page 1, line 15, replace "veterans' affairs" with "national association of county veterans' service officers" and after "appointment" insert ", except an individual serving as a county veterans' service officer on August 1, 2009, shall comply with the accreditation requirements by December 1, 2010. After August 1, 2011, a county veterans' service officer shall comply with either the accreditation requirements established by the national association of county veterans' service officers or requirements established by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans affairs"

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the individual is the spouse or an immediate family member of the officer."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1059, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1059 was placed on the Sixth order on the calendar.

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

Page 1, line 19, after "duties" insert "- Continuing appropriation"

Page 1, line 23, after the period insert "The commission may accept gifts, grants, donations, legacies, and devises from any source which are appropriated on a continuing basis for the purposes of the commission."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1147: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1219, as reengrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~section 39-08-04~~", replace "title 39" with "or has committed a moving violation as defined in section 39-06.1-09", and overstrike "may" and insert immediately thereafter "must"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1256, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1342, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1342 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 4, after "crossings" insert "; and to provide an effective date"

Page 3, after line 6, insert:

"**SECTION 5. EFFECTIVE DATE.** This Act becomes effective on January 1, 2010."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1361, 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 1361 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "11" with "9" and replace "43-55-01" with "43-55-08"

Page 1, line 7, replace "11" with "9" and replace "43-55-01" with "43-55-08"

Page 1, replace lines 9 and 10 with:

"9. Upon request of the secretary of state or attorney general, a professional employer organization promptly shall provide an audited financial statement verified by a certified public accountant licensed to practice in the jurisdiction in which the accountant is located."

Page 2, line 25, remove the overstrike over "A", remove "An audited", and overstrike "financial statement, verified by a certified public accountant"

Page 2, line 26, overstrike "licensed to practice in the jurisdiction in which the accountant is located,"

Page 2, line 27, remove "for the fiscal year ended"

Page 2, line 28, remove "immediately" and overstrike "before the date submitted to the secretary of state, which is"

Page 2, line 29, overstrike "prepared in accordance with generally accepted accounting principles."

Page 3, line 2, overstrike "A professional employer organization that has not had sufficient"

Page 3, overstrike lines 3 and 4

Page 3, line 5, overstrike "under this chapter and present a"

Page 3, line 7, replace "federal tax return" with "contribution and wage report to job service North Dakota"

Page 3, line 9, remove "operated long enough to"

Page 3, line 10, remove "have" and replace "federal tax return" with "contribution and wage report with job service North Dakota"

Page 3, line 12, after "year" insert "and may be renewed within sixty days before the expiration of the license by submitting to the secretary of state:"

- a. The information required in subsection 2;
- b. The license fee provided in section 43-55-04; and
- c. A bond as provided under section 43-55-05"

Page 3, line 13, overstrike "a. Within sixty days before the expiration of a license, the licensee may apply to"

Page 3, overstrike lines 14 through 27

Page 3, line 28, overstrike "under this chapter;" and remove "and"

Page 3, line 29, overstrike "(2) A bond with a minimum value of" and remove "five percent of the wages, tips,"

Page 3, remove lines 30 and 31

Page 4, line 1, remove "to the secretary of state but not to exceed five" and overstrike "hundred thousand"

Page 4, overstrike lines 2 through 10

Page 4, line 11, overstrike "5."

Page 4, line 14, overstrike "6." and insert immediately thereafter "5."

Page 4, line 18, overstrike "**Financial capability**" and replace "and bond" with "**Bond**"

Page 4, line 19, overstrike the colon

Page 4, line 20, remove "a." and overstrike "A minimum working capital of one hundred thousand dollars as reflected in"

Page 4, overstrike line 21

Page 4, line 22, overstrike "application and each annual renewal;" and remove "and"

Page 4, line 23, remove "b.", overstrike "A" and insert immediately thereafter "a", after "of" insert "the greater amount of", remove the overstrike over "one" and insert immediately thereafter "hundred thousand dollars or", after "the" insert "total", and remove ", tips, and"

Page 4, line 24, remove "other compensation" and replace "federal tax return" with "contribution and wage report to job service North Dakota"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 and 2

Page 5, line 3, replace "3." with "2." and remove "operated long enough to have"

Page 5, line 4, remove "completed a full fiscal year or" and replace "federal tax return" with "contribution and wage report with job service North Dakota"

Page 5, line 6, replace "4." with "3."

Page 5, line 9, overstrike "A bond provided under this"

Page 5, overstrike lines 10 and 11

Page 5, line 12, replace "5." with "4."

Page 5, line 23, after "and" insert "the" and replace "federal tax returns" with "contribution and wage report to job service North Dakota"

Renumber accordingly

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

**HB 1389, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Fourteenth order on the calendar.

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

**HB 1457: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Fourteenth order on the calendar.

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

**HB 1545, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1545 was placed on the Fourteenth order on the calendar.

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

**Fran A. Gronberg, Secretary**

