JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, March 13, 2023

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

The prayer was offered by Chaplain Larry Giese, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Thirty-fourth and Thirty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 648, after line 40, insert:

"Sens. Cleary, Hogan and Reps. Christy, Hanson, Ista introduced:
SCR 4018: A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of implementing a paid family leave program in the state, including consideration of possible eligibility requirements, applicable uses, employer participation, and cost and benefit structures for a paid family leave program.
Was read the first time and referred to the **State and Local Government Committee**.

Sens. Kannianen, Bekkedahl, Hogue and Reps. Headland, Lefor, Vigesaa introduced:
SCR 4019: A concurrent resolution to repeal section 10 of article X of the Constitution of North Dakota, which imposes a statewide property tax levy of one mill for support of the state medical center at the University of North Dakota; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**."

Page 832, remove lines 21-34.

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

POINT OF PERSONAL PRIVILEGE

SEN. PIEPKORN rose on a point of personal privilege.

REMARKS OF SENATOR PIEPKORN

MADAM PRESIDENT: Thank you, Madam President for giving me this opportunity to announce to the Senate Chamber that the North Dakota 2023 high school Class A Boy's Basketball Champions are the FARGO NORTH HIGH SPARTANS. This is their 5th such championship since the school opened in 1966. It was an exciting tournament with several closely contested games throughout. The Spartans slipped by Bismarck Legacy 82-80 in the opening round, defeated Bismarck Century 51-48 in the semi-finals, and in another thriller, the Spartans pulled away late for a 92-83 victory.

Exemplifying the spirit of camaraderie among this group of young men, tournament MVP, Jeremiah Sem, was the first to acknowledge that this truly was a team victory. I also want to note the accomplishments of Spartan Head Coach, Travis Hoeg. Highly respected and much loved by his players, Hoeg spent several years working his way through the ranks, patiently waiting, working and preparing himself for this opportunity. And not letting it go to waste, he guided the Spartans to a state title in his first year at the helm. North High lies right in the middle of my north Fargo District 44 and as a 1967 graduate, is also my alma mater. So, congratulations and thank you team and coach for your efforts and providing us a much-

appreciated distraction from a too-long winter!!

POINT OF PERSONAL PRIVILEGE

SEN. SORVAAG rose on a point of personal privilege.

REMARKS OF SENATOR SORVAAG

MADAM PRESIDENT: I would like to take this time to congratulate Fargo North Boys' Basketball Team on their exciting victory Saturday in the State Class A Boys' Basketball Championship Game.

Fargo North Spartans, coached by first year Head coach Travis Hoeg, had an up and down season with 8 losses going into the State Tournament, but they continued to work hard and stay focused on their goal of a State Championship. They showed that the most important thing is how you finish, which they did in real championship fashion Saturday night, winning the first Boys' Basketball championship for the Spartans since 2006.

The Spartans were facing a very good GF Red River Roughriders in the Championship game. These two teams were extremely hard working and played a very exciting, aggressive style basketball. The Spartans opened up very hot and went into the half time with a 14 point lead. The Roughriders weren't ready to give up and fought their way back to take a 4 point lead with 8 minutes to go. The score kept moving back and forth until North made a run at the end and won the game 92-83.

Fargo North was led by the Sem brothers, Jeremiah and Matthew who combined for 51 points in this high scoring game, but most important this team's win came with good rebounding and aggressive defense, played by all the Spartan players. It was truly a team effort.

Fargo North head coach Travis Hoeg, had to deal with the death of his father during the last few weeks of the season. As the coach went through this hard time, he talked how his players were such a comfort to him. This group of players and coaches were very much a family.

Congratulations again to the Spartan basketball team on this exciting win, your North Fargo Community is very proud of you. Thank you.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Piepkorn and Sen. Sorvaag be printed in the Journal, which motion prevailed on a voice vote.

MOTION

SEN. ESTENSON MOVED that the Senate reconsider its action whereby Engrossed HB 1082 passed, which motion failed on a voice vote.

MOTION

SEN. KLEIN MOVED that per Rule 509 the Senate temporarily change the 40th day to the 43rd day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1229: SEN. LARSEN (Industry and Business Committee) MOVED that the amendments on SJ page 946 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1361: SEN. ESTENSON (Judiciary Committee) MOVED that the amendments on SJ page 947 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1097: SEN. BOEHM (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 944-945 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1221, as engrossed: SEN. WOBBEMA (Workforce Development Committee) MOVED that the amendments on SJ page 946 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1191, as engrossed: SEN. PIEPKORN (Workforce Development Committee) MOVED that the amendments on SJ pages 945-946 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution to repeal section 10 of article X of the Constitution of North Dakota, which imposes a statewide property tax levy of one mill for support of the state medical center at the University of North Dakota; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Beard; Bekkedahl; Boehm; Cleary; Davison; Dever; Elkin; Estenson; Hogue; Kannianen; Kessel; Krebsbach; Larsen; Larson; Lemm; Luick; Magrum; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Schaible; Vedaa; Weber; Weston; Wobbema

NAYS: Barta; Braunberger; Burckhard; Clemens; Conley; Dwyer; Erbele; Hogan; Klein; Kreun; Lee; Mathern; Meyer; Piepkorn; Rust; Sickler; Sorvaag; Wanzek

SCR 4019 was declared adopted on a recorded roll call vote.

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SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact sections 4.1-05-01 and 4.1-25-01, and subsection 9 of section 4.1-26-01 of the North Dakota Century Code, relating to the definition of milk.

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 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Boehm; Cleary; Clemens; Conley; Dwyer; Elkin; Estenson; Hogan; Hogue; Kannianen; Kessel; Krebsbach; Larsen; Lemm; Luick; Magrum; Myrdal; Paulson; Schaible; Sickler; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Davison; Dever; Erbele; Klein; Kreun; Larson; Lee; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Sorvaag

Engrossed HB 1255, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to amend and reenact subsection 60 of section 57-39.2-04 and subsection 27 of section 57-40.2-04 of the North Dakota Century Code, relating to qualification and notification requirements for sales and use tax exemptions for certain sales made to a senior citizen organization; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0

NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

HB 1210, as amended, passed and the emergency clause was declared carried.

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SECOND READING OF HOUSE BILL

HB 1498: A BILL for an Act to amend and reenact subsection 60 of section 57-39.2-04 and subsection 27 of section 57-40.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for certain sales made to senior citizen organizations; and to provide an effective date.

ROLL CALL

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

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

HB 1498 failed.

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SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to the display of vaccine adverse event data.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

HB 1207, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to amend and reenact section 57-38-01.16 of the North Dakota Century Code, relating to the income tax credit for employment of individuals with developmental disabilities or severe mental illness; and to provide an effective date.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

HB 1244, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact sections 50-11-00.1, 50-11-01, 50-11-01.5, 50-11-01.6, 50-11-02, 50-11-02.1, 50-11-02.2, 50-11-03, 50-11-03.2, 50-11-03.3, 50-11-03.4, 50-11-03.5, 50-11-04, 50-11-04.2, 50-11-05, 50-11-06.7, 50-11-07, 50-11-08, and 50-11-09 of the North Dakota Century Code, relating to family foster care for children licenses, certifications, and approvals, and identified and kinship relatives; and to provide for a report to legislative management.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

HB 1091, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1176: A BILL for an Act to create and enact two new sections to chapter 57-38 and two new subdivisions to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an adoption tax credit and a tax credit for contributions to a maternity home, child placing agency, or pregnancy help center; and to provide an effective date.

REQUEST

SEN. PIEPKORN REQUESTED that the Senate divide HB 1176, as amended, which request was granted.

DIVISION A: Section 1,3,4

DIVISION B: Section 2

ROLL CALL

The question being on the final adoption of Division A of HB 1176, as amended, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Division A of HB 1176, as amended, was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of HB 1176, as amended, the roll was

called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Hogan; Lee; Piepkorn; Rummel

Division B of HB 1176, as amended, was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Piepkorn

HB 1176, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact section 15-20.2-04 of the North Dakota Century Code, relating to the appointment of additional community members to career and technology center boards.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed HB 1178, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1304: A BILL for an Act to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to a special education teaching authorization; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston;

Wobbema

HB 1304, as amended, passed and the emergency clause was declared carried.

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MOTION

SEN. KLEIN MOVED that HB 1309, which is on the Fourteenth order, be rereferred to the **State and Local Government Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1309 was rereferred.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1072, HB 1082, HB 1099, HB 1187, HB 1247, HB 1449.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1495.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1045, HB 1088, HB 1137, HB 1434, HB 1459, HB 1490.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1237, HB 1248.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2030, SB 2077, SB 2081, SB 2083, SB 2119, SB 2122, SB 2377.

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

MADAM PRESIDENT: Your signature is respectfully requested on: HB 1063, HB 1083, HB 1089, HB 1226, HB 1234, HB 1290, HB 1291, HB 1322, HB 1337, HB 1386, HB 1411, HB 1450, HB 1453.

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

MADAM PRESIDENT: The Speaker has signed: SB 2030, SB 2077, SB 2081, SB 2083, SB 2119, SB 2122, SB 2377.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: SB 2030, SB 2077, SB 2081, SB 2083, SB 2119, SB 2122, SB 2377.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: HB 1063, HB 1083, HB 1089, HB 1226, HB 1234, HB 1290, HB 1291, HB 1322, HB 1337, HB 1386, HB 1411, HB 1450, HB 1453.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 14, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1188: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1190, as engrossed: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1190 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1259: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1412: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

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

Shanda Morgan, Secretary