

JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 27, 2023

The Senate convened at 12:30 p.m., with President Miller presiding.

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senators Kreun and Wanzek.

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 Seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 211, line 9, replace "**Industry and Business**" with "**Judiciary**"

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

MOTION

SEN. KLEIN MOVED that SB 2197, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2197 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2181: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ pages 318-319 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2181 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2214: SEN. BARTA (Industry and Business Committee) MOVED that the amendments on SJ page 319 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2036: SEN. LUICK (Agriculture and Veterans Affairs Committee) MOVED that the amendments on SJ page 317 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2173: SEN. KLEIN (Industry and Business Committee) MOVED that the amendments on SJ page 318 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2320: SEN. LARSEN (Industry and Business Committee) MOVED that the amendments on SJ page 319 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2292: SEN. BARTA (State and Local Government Committee) MOVED that the amendments on SJ page 319 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2164: SEN. BRAUNBERGER (State and Local Government Committee) MOVED that

the amendments on SJ page 318 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to amend and reenact section 43-17-42 of the North Dakota Century Code, relating to the corporate practice of medicine.

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

ABSENT AND NOT VOTING: Kreun; Wanzek

Engrossed SB 2148 passed.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to assignment of dental insurance benefits; and to provide for application.

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

NAYS: Roers, K.

ABSENT AND NOT VOTING: Kreun; Wanzek

SB 2135 passed.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to create and enact section 4.1-16-08.1 of the North Dakota Century Code, relating to the placement or location of a beehive; 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 NOT PASS, the roll was called and there were 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Mathern; Vedaa

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

ABSENT AND NOT VOTING: Kreun; Wanzek

SB 2134 failed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution directing the Legislative Management to consider studying accessible transportation in the state for older adults and individuals with disabilities.

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

SCR 4004 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2070, SB 2172, SB 2217, SB 2222, SB 2224, SB 2225, SB 2263, SB 2334.

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

MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1083, HB 1123, HB 1259, HB 1305, HB 1333, HB 1359, HB 1363.

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

MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1304.

MOTION

SEN. KLEIN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 30, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2048: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 15, remove ", regulatory board or"

Page 1, line 16, remove "commission, licensing board or commission,"

Page 1, line 18, remove ", regulatory board"

Page 1, line 19, remove "or commission, licensing board or commission,"

Page 2, line 18, after "the" insert "ethics"

Page 2, line 21, replace "Employees of the executive branch, only as it relates to lobbyist gifting" with "Directors, officers, commissioners, heads, or other executives of state agencies"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2150: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after the first comma insert "14-02.1-01,"

Page 2, line 1, remove "Save the life or preserve the health of the unborn child;"

Page 2, line 2, remove "(2)"

Page 2, line 3, replace "(3)" with "(2)"

Page 2, line 6, remove "and irreversible"

Page 2, line 16, after the underscored period insert "Probable gestational age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the gestational age of the unborn child.

e."

Page 2, line 25, after "that" insert "based on reasonable medical judgment"

Page 2, line 27, replace "postfertilization" with "gestational"

Page 3, after line 3, insert:

"SECTION 2. AMENDMENT. Section 14-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-01. Purpose.

The purpose of this chapter is to protect ~~unborn~~ and promote human life and maternal health ~~within present constitutional limits when the performance of an abortion is not otherwise prohibited by law.~~ This chapter reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick."

Page 3, line 14, overstrike "Save the life or preserve the health of the unborn child;"

Page 3, line 15, overstrike "b."

Page 3, line 16, overstrike "c." and insert immediately thereafter "b."

Page 4, line 26, remove the overstrike over "gestational"

Page 4, line 26, remove "postfertilization"

Page 5, line 9, after the semicolon insert "and"

Page 5, line 13, overstrike "; and"

Page 5, overstrike lines 14 through 17

Page 5, line 18, overstrike "14-02.1-02.1"

Page 5, line 31, overstrike "and irreversible"

Page 6, line 8, overstrike ""Postfertilization age" means the age of the unborn child as calculated from"

Page 6, overstrike line 9

Page 6, line 10, remove the overstrike over ~~""Probable gestational age of the unborn child" means what, in~~ and overstrike ~~"reasonable medical"~~

Page 6, line 11, remove the overstrike over ~~"judgment"~~ and overstrike ~~", will with reasonable probability be the gestational age of the unborn child"~~

Page 6, line 12, remove the overstrike over the overstruck period

Page 6, line 13, remove "13."

Page 6, line 13, overstrike ~~""Probable postfertilization age of the unborn child" means what, in reasonable medical"~~

Page 6, overstrike lines 14 and 15

Page 6, line 16, replace "14." with "13."

Page 6, line 19, replace "15." with "14."

Page 6, line 20, replace "16." with "15."

Page 8, line 23, overstrike ~~", such as mifepristone and misoprostol"~~

Page 9, line 7, after the first comma insert "section 12.1-31-12."

Page 9, line 13, remove "or"

Page 9, line 16, after "12.1-20" insert ~~": or~~

c. Necessary due to a medical emergency"

Page 16, line 22, overstrike ~~"If a determination of probable postfertilization age was not made, the"~~

Page 16, line 23, overstrike ~~"basis of the determination that a medical emergency existed"~~ and insert immediately thereafter "A record of the probable gestational age of the unborn child at the time of the abortion. If a probable gestational age of the unborn child was not made because of a medical emergency, the record must include the basis of the determination that a medical emergency existed"

Page 17, line 10, remove "or"

Page 17, line 13, after "12.1-20" insert ~~": or~~

(3) Necessary due to a medical emergency"

Page 17, line 27, overstrike ~~"postfertilization"~~ and insert immediately thereafter "gestational"

Page 17, line 27, after "age" insert "of the unborn child"

Page 17, line 28, overstrike ~~"If the probable"~~

Page 17, overstrike lines 29 through 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Judiciary Committee (Sen. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, overstrike ~~"liquor, gambling, cigarette, snuff,"~~

Page 1, line 12, overstrike ~~"or"~~

Page 1, line 13, overstrike "habit-forming drug"

Page 1, line 19, replace "a description" with "descriptions"

Page 1, line 19, remove the second "a"

Page 1, line 19, replace "image" with "images"

Page 1, line 19, replace "includes" with "include"

Page 1, line 20, replace "is an" with "or parts of a record containing such descriptions are"

Page 1, line 20, remove "record"

Page 2, line 6, replace "A statement" with "All statements"

Page 2, line 8, replace "is" with "are"

Page 2, line 8, replace "statement relates" with "statements relate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2234: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2250: Education Committee (Sen. Elkin, 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 2250 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 11, replace "first-year" with "beginning"

Page 1, line 13, overstrike "first-year" and insert immediately thereafter "beginning"

Page 1, line 14, overstrike "first-year" and insert immediately thereafter "beginning"

Page 1, line 17, overstrike "first-year" and insert immediately thereafter "beginning"

Page 1, line 21, overstrike "and"

Page 1, line 22, overstrike the period and insert immediately thereafter "; and
(3) Instructional coaching strategies."

Page 1, line 23, replace "an individual" with "staff"

Page 1, line 23, replace "serve as a two- to four-year" with "support the"

Page 1, line 24, replace "who shall" with "who will work with school administrators to"

Page 2, line 2, replace "monthly" with "regular"

Page 2, line 3, replace "must" with "may"

Page 2, line 17, replace "Up to fifty mentors" with "Mentors"

Page 2, line 17, remove "a sum"

Page 2, line 18, remove "of one thousand dollars per academic year"

Page 2, line 19, replace "A coordinator" with "Staff"

Page 2, line 19, after "sum" insert "approved by the education standards and practices board."

Page 2, line 25, remove "up to fifty"

Page 2, line 25, remove "one program"

Page 2, line 26, replace "coordinator" with "staff"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2269: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after the first comma insert "and"

Page 1, line 2, remove ", and 15.1-02-04"

Page 1, line 9, overstrike "'Administration" includes the leadership of the center for distance education."

Page 1, line 10, overstrike "2."

Page 1, line 10, remove the overstrike over "'Board" means the"

Page 1, line 10, after "education" insert "board of public school education"

Page 1, line 10, remove the overstrike over the overstruck period

Page 1, line 11, after "3:" insert "2."

Page 1, line 12, remove the overstrike over "Director"

Page 1, line 12, remove "Superintendent"

Page 1, line 12, remove the overstrike over "director"

Page 1, line 13, replace "superintendent of public instruction" with "of the center for distance education"

Page 1, line 22, remove the overstrike over "of public"

Page 1, line 23, remove the overstrike over "instruction"

Page 2, line 6, after "superintendent" insert "of public instruction"

Page 2, line 16, after the first "the" insert "director of the"

Page 2, line 17, overstrike ". The"

Page 2, line 18, remove "superintendent"

Page 2, line 18, overstrike "shall hire administration and staff for the center for distance"

Page 2, line 19, overstrike "education" and insert immediately thereafter "of public instruction and the board. The director is appointed by and reports to the superintendent of public instruction. The center must have a separate budget and a separate staff from the department of public instruction"

Page 2, line 19, overstrike "administration of"

Page 2, line 20, overstrike "the center" and insert immediately thereafter "director"

Page 2, line 21, overstrike "state"

Page 2, line 21, overstrike "for career and technical education"

Page 2, line 22, after "superintendent" insert "of public instruction"

Page 2, line 23, remove the overstrike over "of public instruction"

Page 2, line 24, overstrike "The"

Page 2, line 25, remove "superintendent"

Page 2, line 25, overstrike "shall administer the"

Page 2, overstrike line 26

Page 3, line 5, after "superintendent" insert "of public instruction"

Page 3, line 11, after "superintendent" insert "of public instruction"

Page 3, line 18, after "superintendent" insert "of public instruction"

Page 3, line 22, after "superintendent" insert "of public instruction"

Page 3, line 29, after "superintendent" insert "of public instruction"

Page 5, remove lines 10 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2273: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was referred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2279: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 25, remove "To claim the exemption for an agricultural commodity storage structure"

Page 2, remove lines 26 through 28

Page 2, line 29, remove "(6)"

Page 2, line 31, after the fourth underscored comma insert "honey."

Page 3, line 4, after the first underscored comma insert "surviving spouse."

Page 3, line 5, after the first underscored comma insert "great-grandparent, grandchild, great-grandchild."

Page 3, line 5, remove the first "or"

Page 3, line 5, after the fifth underscored comma insert "first-cousin, or second-cousin."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2281: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 17, after "to" insert "this"

Page 2, line 18, remove "53-06.1"

Page 2, line 25, remove "electronic raffle systems."

Page 2, line 27, replace "twenty-five" with "one thousand five hundred"

Page 2, line 30, after the period insert "The attorney general shall deposit five hundred dollars of this fee into the charitable gaming technology fund under section 53-06.1-12.4."

Page 2, line 30, remove the overstrike over "A"

Page 2, line 31, remove the overstrike over "manufacturer of"

Page 2, line 31, after "fifty-fifty" insert "electronic"

Page 2, line 31, remove the overstrike over "raffle systems shall apply annually for a license and pay a"

Page 3, line 1, remove the overstrike over "license fee of"

Page 3, line 1, after "hundred" insert "one thousand"

Page 3, line 1, replace "twenty-five" with "five hundred"

Page 3, line 4, replace "twenty-five" with "five hundred"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2285: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, remove "domesticated animal."

Page 1, line 11, overstrike "section" and insert immediately thereafter "sections"

Page 1, line 11, after "39-08-06" insert ", 39-08-08."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2287: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was rereferred to the **Appropriations Committee**. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2288: Workforce Development Committee (Sen. Wobbema, 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 2288 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 7, remove "the institutional"

Page 1, line 8, replace "foundations of institutions under the control of the state board of higher education" with "accredited institutions of higher education in this state"

Page 1, line 12, replace "Its foundation" with "It"

Page 1, line 19, replace "institutional foundation" with "institution"

Page 2, line 1, replace "institutions under the control of the state board of higher education" with "providers of nursing education"

Page 2, line 2, remove "each institution's nursing"

Page 2, line 3, replace "program" with "nursing programs under section 15-10-48.2"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

This amendment provides for all accredited institutions of higher education in the state to be eligible for a nursing program matching grant.

REPORT OF STANDING COMMITTEE

SB 2290: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2324: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2337: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2337 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2342: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SCR 4005: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Sixth order on the calendar. This resolution does not affect workforce development.

Page 1, line 19, replace "2025" with "2026"

Renumber accordingly

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

Shanda Morgan, Secretary