

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 22, 1999

The House convened at 1:00 p.m., with Speaker Wald presiding.

The prayer was offered by Reverend Clyde Leimberer, Baptist Home, Bismarck.

The roll was called and all members were present except Representatives Gunter, Henegar, Kempenich, and Metcalf.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 19, 1999, I have signed the following: HB 1384, HB 1393, and HB 1456.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for his approval on March 22, 1999: HB 1080.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that all the amendments on the Sixth order of business, with the exception of Engrossed SB 2125, Engrossed SB 2148, and Engrossed SB 2350 be adopted, which motion prevailed.

SB 2195, as amended, was rereferred to the **Appropriations Committee**.

SCR 4021, as amended, was placed on the Tenth order of business on the calendar.

**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2125, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2125 was rereferred.

**SIXTH ORDER OF BUSINESS**

**SB 2148, as engrossed: REP. KLEIN (Government and Veterans Affairs Committee) MOVED** that the amendments on HJ pages 895-899 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that House Rule 337 be suspended and that Engrossed SB 2148, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to deadlines for placing county and city measures on election ballots; and to amend and reenact sections 11-07-06, 16.1-05-03, 16.1-11-06, 16.1-11-11, 16.1-11-22, subsection 3 of section 16.1-13-22, sections 16.1-15-01, 16.1-15-19, and subsection 6 of section 16.1-16-01, relating to election of county commissioners, election worker training sessions, the time for submitting nominating petitions or certificates of endorsement, the primary election ballot, and county canvassing boards and recount boards being authorized to stamp and initial absentee ballots.

**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 75 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Meyer;

Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Glassheim; Gulleston; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Niemeier; Rose; Sandvig; Schmidt; Thorpe; Warner

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

Engrossed SB 2148, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2350, as engrossed: REP. GROSZ (Natural Resources Committee) MOVED** that the amendments on HJ pages 900-901 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

#### MOTION

**REP. DORSO MOVED** that House Rule 337 be suspended and Engrossed SB 2350, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2350:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for certified guides or outfitters.

#### 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 75 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovdal; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lundgren; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Bernstein; Boehm; Brusegaard; Delzer; Devlin; Eckre; Froelich; Gorder; Herbel; Koppelman; Lemieux; Lloyd; Meyer; Mueller; Niemeier; Severson; Solberg; Stefonowicz; Timm

**ABSENT AND NOT VOTING:** Brandenburg; Henegar; Kempenich; Metcalf

Engrossed SB 2350, as amended, passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

**REP. D. JOHNSON:** Mr. Speaker: I rise on a point of personal privilege.

#### MOTION

**REP. SCHMIDT MOVED** that the remarks of Representative D. Johnson be printed in the Journal, which motion prevailed.

#### REMARKS OF REPRESENTATIVE D. JOHNSON

Mr. Speaker and members of the Assembly. This past Saturday night, Leeds Lions defeated Dickinson Trinity to win the State Class B basketball title. The dedication of these student athletes, their perseverance, and their ability to work together for a common goal was an inspiration to all who were able to watch the game. I want to congratulate coach Shawn Larson and the rest of the coaching staff, the student athletes, and the entire community for the support and display of good sportsmanship that was displayed this past weekend. This victory gives a sense of hope to all who continue to battle against the odds, much like the movie Hoosiers revives the spirit of small communities and their ability to compete with larger

communities and actually win once in awhile. This accomplishment gives all the citizens of North Dakota the inspiration to hope for the future. Thank you for that message, Leeds Lions. We truly are in need of that in North Dakota at this time.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. NICHOLAS MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1040 as printed on HJ page 789 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1040: Reps. D. Johnson, Renner, Mueller.

#### SECOND READING OF SENATE BILL

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact section 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

#### 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 89 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Winrich; Speaker Wald

**NAYS:** Cleary; Froelich; Lemieux; Lundgren; Solberg

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf; Wikenheiser

Engrossed SB 2001, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

#### 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 63 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Gorder; Grumbo; Gullerson; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefanowicz; Thorpe; Warner; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

Engrossed SB 2004, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to amend and reenact section 57-01-04 and subsection 2 of section 57-01-13 of the North Dakota Century Code, relating to the salary of the state tax commissioner and the payment of fees for services rendered by a collection or credit agency; to provide a continuing appropriation for the payment of fees for services rendered by a collection or credit agency; and to provide a contingent expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Ekstrom; Fairfield; Gulleeson; Hoffner; Kelsh, S.; Kroeber; Lemieux; Lundgren; Rose; Sandvig; Solberg; Stefonowicz; Thorpe

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

Engrossed SB 2006, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact chapter 60-02.1 of the North Dakota Century Code, relating to grain buyers and grain buyer insolvency proceedings; to amend and reenact subsection 5 of section 60-02-01, sections 60-03-01, 60-03-01.1, 60-03-02, 60-03-04, 60-03-04.1, 60-03-05, 60-03-08, 60-03-10, 60-03-11, 60-03-12, 60-03-14, 60-03-17, and 60-03-18 of the North Dakota Century Code, relating to the definition of a public warehouse; hay buyer procedures and insolvency proceedings; to repeal section 60-03-03 of the North Dakota Century Code, relating to hay buyer procedures; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

Engrossed SB 2153, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2170:** A BILL for an Act to create and enact a new section to chapter 14-08.1, a new section to chapter 14-19, and a new section to chapter 20.1-03 of the North Dakota

Century Code, relating to certification of child support records, the duties of voluntary paternity establishment service entities, and the recording of social security numbers on game and fish license and permit applications; to amend and reenact subsection 1 of section 14-09-08.4, sections 14-09-08.6, 14-09-08.10, 14-09-08.11, 14-09-09.6, 14-09-09.15, 14-09-09.16, 14-09-09.28, 14-09-25, subsection 3 of section 14-17-11, subsection 4 of section 14-17-14, sections 14-17-17, 14-19-01, 14-19-05, 14-19-07, 14-19-08, 39-06-07, section 50-09-02.4, subdivision h of subsection 1 of section 50-09-08.2, sections 50-09-08.3, and 50-09-08.5 of the North Dakota Century Code, relating to technical and conforming amendments to child support laws and the state disbursement unit; to repeal sections 14-09-14 and 14-09-27 of the North Dakota Century Code, relating to exceptions to parental liability for child support and to the state disbursement fund; to provide a continuing appropriation; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Delzer; Grosz; Henegar; Kempenich; Metcalf

Engrossed SB 2170, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2192:** A BILL for an Act to amend and reenact section 15-49-12 of the North Dakota Century Code, relating to the scope of school weapons policies.

#### 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, 46 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bernstein; Brekke; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Drovdal; Ekstrom; Glassheim; Grande; Gunter; Hanson; Hawken; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Klein; Klemin; Kliniske; Koppang; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Mickelson; Mueller; Nichols; Nottestad; Poolman; Rose; Schmidt; Svedjan; Sveen; Thoreson, L.; Thorpe; Warner; Wentz; Winrich

**NAYS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Delzer; Devlin; Dorso; Eckre; Fairfield; Froelich; Froseth; Galvin; Gorder; Grosz; Grumbo; Gulleston; Haas; Kelsch, R.; Kelsh, S.; Kerzman; Koppelman; Lemieux; Meyer; Monson; Nelson; Niemeier; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Solberg; Stefonowicz; Thoreson, B.; Timm; Tollefson; Weisz; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Herbel; Kempenich; Metcalf; Nicholas; Wikenheiser

SB 2192, as amended, was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2300:** A BILL for an Act to amend and reenact subsection 5 of section 27-20-24 and subsection 6 of section 27-20-51 of the North Dakota Century Code, relating to juvenile court hearings and records; 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 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Froelich

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

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

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**SECOND READING OF SENATE BILL**

**SB 2320:** A BILL for an Act to amend and reenact subsection 5 of section 23-06.5-03 and subsection 4 of section 23-12-13 of the North Dakota Century Code, relating to withdrawing or withholding nutrition and hydration from incapacitated patients; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 26 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Drovdal; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Haas; Herbel; Hoffner; Johnson, D.; Kelsch, S.; Kerzman; Klein; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Speaker Wald

**NAYS:** Delmore; Dorso; Eckre; Ekstrom; Gunter; Hanson; Hawken; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Klemin; Mahoney; Maragos; Martinson; Meyer; Niemeier; Price; Solberg; Stefonowicz; Svedjan; Sveen; Thorpe; Wentz; Winrich

**ABSENT AND NOT VOTING:** Galvin; Henegar; Kempenich; Lundgren; Metcalf; Wikenheiser

Engrossed SB 2320, as amended, passed and the title was agreed to.

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**REQUEST**

**REP. GALVIN REQUESTED** that the record show that he intended to vote YEA on Engrossed SB 2320, which request was granted.

**REQUEST**

**REP. WIKENHEISER REQUESTED** that the record show that he intended to vote YEA on Engrossed SB 2320, which request was granted.

**MOTION**

**REP. DORSO MOVED** that SB 2421 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2421:** A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales tax exemption for certain machinery and equipment for refining of crude oil; to provide an effective date; and to provide an expiration date.

**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 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Drovdal; Eckre; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Devlin; Dorso; Ekstrom; Froelich; Lundgren; Solberg; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Kempenich; Metcalf

SB 2421 passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2068: Reps. Haas, Nelson, Mueller.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2075: Reps. L. Thoreson, Nottestad, Solberg.

**SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**SCR 4051:** A concurrent resolution directing the Legislative Council to study the classification of criminal offenses throughout the North Dakota Century Code.

The question being on the final adoption of the resolution, which has been read.

SCR 4051 was declared adopted on a voice vote.

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**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SB 2421, SCR 4051.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2192.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2300.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2170.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2001, SB 2004, SB 2006, SB 2148, SB 2153, SB 2320, SB 2350.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2068:** Reps. Haas; Nelson; Mueller

**SB 2075:** Reps. L. Thoreson; Nottestad; Solberg

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1040 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1040:** Reps. D. Johnson; Renner; Mueller

**MOTION**

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, March 23, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2279, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2279 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2355: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-33-02" insert ", 42-04-02,"

Page 1, line 7, after the second period insert:

"1."

Page 1, after line 22, insert:

"2. a. Notwithstanding subsection 1, the board:

(1) May require a setback distance of no more than three-fourths of one mile [1.20 kilometers] from any occupied residence, business, church, school, or public park for any concentrated or confined animal feeding operation having more than one thousand but fewer than five thousand animal units.

(2) May require a setback distance of no more than one and one-quarter miles [2.01 kilometers] from any occupied residence, business, church, school, or public park for any concentrated or confined animal feeding operation having five thousand or more animal units.

(3) May require financial assurance for the clean up upon termination of any concentrated or confined animal feeding operation having five thousand or more animal units. The financial assurance may not exceed five dollars per animal unit.

(4) May require a permit before a person builds or establishes a new residence, business, church, school, or public park within one mile [1.61 kilometers] of any established concentrated or confined animal feeding operation permitted under chapter 61-28.

b. Any person owning property that is closer to the concentrated or confined animal feeding operation than the setback provided under this subsection may waive, in writing, the required setback distance.

- c. As used in this section, "public park" means a park established by the federal government, the state, or a political subdivision of the state.
3. This section does not apply to any concentrated or confined animal feeding operation in existence or approved by the state department of health before August 1, 1999.

**SECTION 2. AMENDMENT.** Section 42-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**42-04-02. Agricultural operation deemed not nuisance.** An agricultural operation is not, nor shall it become, a private or public nuisance by any changed conditions in or about the locality of such operation after it has been in operation for more than one year, if such operation was not a nuisance at the time the operation began; except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation. Nothing in this chapter allows the maintenance of a nuisance that would result in the taking of another's property without compensation in violation of state or federal law."

Page 2, line 2, after the period insert:

"1."

Page 2, line 2, after line 20, insert:

- "2. a. Notwithstanding subsection 1, the board:
- (1) May require a setback distance of no more than three-fourths of one mile [1.20 kilometers] from any occupied residence, business, church, school, or public park for any concentrated or confined animal feeding operation having more than one thousand but fewer than five thousand animal units.
  - (2) May require a setback distance of no more than one and one-quarter miles [2.01 kilometers] from any occupied residence, business, church, school, or public park for any concentrated or confined animal feeding operation having five thousand or more animal units.
  - (3) May require financial assurance for the clean up upon termination of any concentrated or confined animal feeding operation having five thousand or more animal units. The financial assurance may not exceed five dollars per animal unit.
  - (4) May require a permit before a person builds or establishes a new residence, business, church, school, or public park within one mile [1.61 kilometers] of any established concentrated or confined animal feeding operation permitted under chapter 61-28.
- b. Any person owning property that is closer to the concentrated or confined animal feeding operation than the setback provided under this subsection may waive, in writing, the required setback distance.
- c. As used in this section, "public park" means a park established by the federal government, the state, or a political subdivision of the state.
3. This section does not apply to any concentrated or confined animal feeding operation in existence or approved by the state department of health before August 1, 1999."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2411, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2411 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "; and to provide for a legislative council study"

Page 1, line 11, replace "determines" with "and the office of management and budget determine"

Page 1, line 15, replace the second "or" with an underscored comma

Page 1, line 16, after "54-46.1-07" insert ", or any other law that provides for any civil or criminal penalty for the release of certain records"

Page 1, line 17, replace "further" with "disclose any information from any record,"

Page 1, line 18, replace "and may not" with ", or"

Page 1, line 19, after the underscored period insert "Any contractor hired by the administrator under this section or by an agency under section 54-46.1-05 is subject to the penalties provided by law for unauthorized release of public records, and the contractor must agree to fully comply with all applicable state or federal laws or rules prohibiting release of public records."

Page 2, after line 5, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY OF PRIVATIZATION OF SERVICES PROVIDED BY STATE AGENCIES.** During the 1999-2001 interim, the legislative council shall conduct a study of privatizing and contracting for services provided by state agencies. In conducting the study, the legislative council shall request information from representatives of the executive branch, the judicial branch, higher education, public employee organizations, entities that have contracted with state agencies for services, and businesses or other entities that are interested in providing services for or in place of state agencies. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4010, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4010 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "also provide for" with "require that entity to be subject to"

Page 1, line 22, remove "by the state auditor" and remove "by the entity"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4022, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4022 was placed on the Sixth order on the calendar.

Page 2, line 8, remove "and"

Page 2, line 9, after "state" insert an underscored comma, remove the overstrike over "~~and~~", and after "~~treasurer~~" insert "agriculture commissioner"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**HB 1365:** Your conference committee (Sens. Cook, Flakoll, Kelsh and Reps. Nelson, Brusegaard, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 758, adopt amendments as follows, and place HB 1365 on the Seventh order:

That the Senate recede from its amendments as printed on page 758 of the House Journal and page 615 of the Senate Journal and that House Bill No. 1365 be amended as follows:

Page 2, line 12, replace "by first-class mail" with "to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and"

Page 2, line 15, after the underscored period insert "Notice provided by the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail."

Renumber accordingly

HB 1365 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1006, HB 1010, HB 1066, HB 1070, HB 1144, HB 1255, HB 1341.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4056.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1008, HB 1170.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1063, HB 1286.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1149, HB 1152, HB 1158, HB 1295, HB 1415, HB 1467, HCR 3005.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1149**

Page 1, line 11, remove ". Other"

Page 1, remove line 12

Page 1, line 13, remove "pursuant to section 16.1-01-04"

Page 4, line 27, after "16.1-05-06" insert "and include a voter's affidavit with the outgoing absentee voter's ballot along with an explanation that the voter's right to vote is being challenged and that the voter's affidavit must be completed and returned with the voter's absentee voter's ballot to be accepted"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1149**

In addition to the amendments adopted by the Senate as printed on page 729 of the Senate Journal, Engrossed House Bill No. 1149 is further amended as follows:

Page 2, line 9, replace "physically reside at the address within" with "meet the residency requirements provided in section 16.1-01-05."

Page 2, remove line 10

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1152**

In lieu of the amendments adopted by the Senate as printed on pages 700 and 701 of the Senate Journal, Engrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to"

Page 1, line 3, remove "43-32-01, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12," and replace ", 43-32-14, 43-32-16," with "and"

Page 1, remove line 4

- Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice of psychology and the authority"
- Page 1, line 6, remove "psychological associates by" and after "examiners" insert "to deny renewal of a license"
- Page 1, remove lines 8 through 24
- Page 2, remove lines 1 through 31
- Page 3, remove lines 1 through 20
- Page 3, line 23, remove "**or registration**"
- Page 3, line 24, remove "and registered psychological associate"
- Page 3, line 25, remove "or registration"
- Page 3, line 27, remove "or registration" and remove "or registered"
- Page 3, line 28, remove "or registration"
- Page 3, line 29, remove "or registered psychological associate" and remove "or registration"
- Page 3, line 30, remove "or registration"
- Page 4, line 1, remove "and"
- Page 4, line 2, remove "registered psychological associates"
- Page 4, remove lines 3 through 30
- Page 5, remove lines 1 through 31
- Page 6, remove lines 1 through 30
- Page 7, remove lines 1 through 31
- Page 8, remove lines 1 through 29
- Page 9, line 2, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"
- Page 9, remove the overstrike over lines 3 through 6
- Page 9, line 7, remove the overstrike over "~~after July 1,~~", after "1999" insert "2001", and remove the overstrike over "~~. However, the exemption period may be extended by the board~~"
- Page 9, remove the overstrike over lines 8 through 15
- Page 9, line 16, remove the overstrike over "~~2.~~"
- Page 9, line 20, remove the overstrike over "~~3.~~" and remove "2."
- Page 9, line 23, remove the overstrike over "~~4.~~" and remove "3."
- Page 9, line 27, remove the overstrike over "~~5.~~" and remove "4."
- Page 10, line 3, remove the overstrike over "~~6.~~" and remove "5."
- Page 10, line 7, remove the overstrike over "~~7.~~" and remove "6."
- Page 10, line 12, remove the overstrike over "~~8.~~" and remove "7."
- Page 10, line 13, remove "until July 1, 2000,"
- Page 10, line 16, remove the overstrike over "~~9.~~", remove "8.", remove the overstrike over "~~psychologist~~", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1158**

Page 1, after line 11, insert:

"2. "Interactive telecommunications" means any audio, video, or data communication involving a real-time or store and forward two-way transfer of data or information."

Page 1, line 12, replace "2" with "3"

Page 1, line 14, replace "3" with "4"

Page 2, line 6, replace "4" with "5" and replace "audio," with "telecommunications, with the intention of receiving, directly or indirectly, any compensation, but does not include a consultation consisting of only an oral conversation by telephone or a textual message by electronic mail or facsimile."

Page 2, remove line 7

Page 7, line 1, after "telemedicine" insert "from a place outside this state" and replace "under the supervision of" with "in consultation with"

Page 7, line 2, after "state" insert "and who is primarily responsible for the care of the patient"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1295**

Page 1, line 1, replace "section" with "sections 5-01-08," and after "12.1-36-06" insert a comma

Page 1, line 2, after the first "to" insert "consumption of alcohol," and after "chemicals" insert a comma

Page 1, line 3, after "warrant" insert "; and to provide a penalty"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 5-01-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**5-01-08. Persons under twenty-one years of age prohibited from manufacturing, purchasing, consuming, or possessing alcoholic beverages or entering licensed premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.** Except as permitted in this section and section 5-02-06, any person under twenty-one years of age manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages other than during a religious service, being under the influence of alcoholic beverages, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering any licensed premises where alcoholic beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian, or in accordance with section 5-02-06, or if the person is a law enforcement officer entering the premises in the performance of official duty, is guilty of a class B misdemeanor. The court may, under this section, refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment. The offense of consumption occurs in the county of consumption or the county where the offender is arrested."

Page 2, after line 2, insert:

"13. Fluorocarbon."

Page 2, line 3, replace "13" with "14"

Page 2, line 4, replace "14" with "15"

Page 2, line 5, replace "15" with "16"

Page 2, line 6, replace "16" with "17"

Page 2, line 7, replace "17" with "18"

Page 2, line 8, replace "18" with "19"

Page 2, line 9, replace "19" with "20"

Page 2, line 10, replace "20" with "21"

Page 2, line 11, replace "21" with "22"

Page 2, line 12, replace "22" with "23"

Page 2, line 13, replace "23" with "24"

Page 2, line 14, replace "24" with "25"

Page 2, line 15, replace "25" with "26"

Page 2, line 16, replace "26" with "27"

Page 3, line 8, replace "inhaling" with "being under the influence of"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1415**

Page 1, line 2, remove "; and to provide an effective"

Page 1, line 3, remove "date"

Page 2, remove line 25

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1467**

Page 3, remove lines 19 through 21

Page 7, line 11, overstrike "equal" and insert immediately thereafter "equivalent"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3005**

Page 1, line 9, replace "most" with "many"

Renumber accordingly

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed Sen. Traynor to replace Sen. W. Stenehjem on the Conference Committee on SB 2185.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1310:** Sens. Lyson; Lee; Kelsh

**HB 1325:** Sens. Mutch; Klein; Thompson

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2181, SCR 4023, and SCR 4029 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2181:** Sens. Krebsbach; Klein; D. Mathern

**SCR 4023:** Sens. Wardner; W. Stenehjem; DeMers

**SCR 4029:** Sens. Krebsbach; Sand; Heitkamp

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2225, SB 2235, SB 2243, SB 2253.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2005, SB 2007, SB 2045, SB 2080, SB 2321, SB 2403, SCR 4016, SCR 4037.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2011, SB 2356, SB 2393, SCR 4017, SCR 4044, SCR 4045.

The House stood adjourned pursuant to Representative Monson's motion.

**LANCE HAGEN, Chief Clerk**