

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, January 15, 2001

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

The prayer was offered by Father Jeffery L. Wald, St. Joseph, Devils Lake, and St. Benedict, Crary.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Watne, Chairman)** has carefully examined the Journal of the Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 63, after line 15, insert:

**"SB 2196:** A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to execution on moneys retained by garnishment."

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

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Employment Committee (Sen. Stenehjem, Chairman)** recommends the following Senate employees for the Fifty-seventh Legislative Assembly:

## 2001 SENATE EMPLOYEES

	<u>Secretary of the Senate</u>	
William Horton		Bismarck
	<u>Assistant Secretary of the Senate</u>	
Brian Reinbold		Bismarck
	<u>Journal Reporter</u>	
Karen Hoovestol		Bismarck
	<u>Bill Clerk</u>	
Barb Peske		Bismarck
	<u>Calendar Clerk</u>	
Joseph Wolf		Bismarck
	<u>Sergeant-at-Arms</u>	
Mel Beckler		Hazen
	<u>Administrative Assistant to Majority Leader</u>	
Renae Doan		McKenzie
	<u>Staff Assistant to Majority Leader</u>	
Anthony Sayler		Mandan
	<u>Administrative Assistant to Minority Leader</u>	
Kathi Osteen		Mandan
	<u>Staff Assistants to Minority Leader</u>	
Rosey Sand		Bismarck
Chad Oban		Bismarck
	<u>Chief Committee Clerk</u>	

Pauline Ziegler		Bismarck
	<u>Appropriations Committee Clerk</u>	
Vonnie Pietsch		Casselton
	<u>Assistant Appropriations Committee Clerk</u>	
Debra Akovenko		Bismarck
	<u>Committee Clerks</u>	
Carol Kolodejchuk		Bismarck
James Raile		Mandan
Suzette Schafer		Mandan
Lynelle Kraft		Bismarck
Sandra Johnson		Garrison
Lacy Haberman		LaMoure
Mary Jo Wocken		Bismarck
Michael Hurley		Fargo
Janet James		Bismarck
Doris Perez		Bismarck
	<u>Assistant Committee Clerk</u>	
Thomas Jundt		Bismarck
	<u>Deputy Sergeant-at-Arms</u>	
John Clement		Bismarck
	<u>Assistant Sergeant-at-Arms</u>	
Gordon Gummer		Mandan
	<u>Chief Page and Bill Book Clerk</u>	
Shelby Shantz		Glen Ullin
	<u>Legislative Assistant/Desk Page</u>	
Gabriel Rauschenberger		Tioga
	<u>Legislative Assistants/Page and Bill Book Clerks</u>	
Harry Komproud		Bismarck
Kileigh Gard		Fargo
	<u>Information Kiosk Attendant</u>	
Peggy Iszler		Bismarck
	<u>Supply Room Coordinator</u>	
Pete Schafer		Bismarck

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Stenehjem, Christenson, Cook, Mutch, O'Connell and Rep. R. Kelsch introduced:

**SCR 4007:** A concurrent resolution designating Senate and House employment positions and fixing compensation.

Was read the first time.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, that SCR 4007 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Stenehjem, Christenson, Cook, Mutch, O'Connell and Rep. R. Kelsch introduced:

#### **SENATE CONCURRENT RESOLUTION NO. 4007**

A concurrent resolution designating Senate and House employment positions and fixing compensation.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That for the Fifty-seventh Legislative Assembly, the following positions are designated as employee positions of the Senate and House and are to be paid the wages indicated:

## SENATE

Secretary of the Senate	\$109.00
Assistant secretary of the Senate	95.00
Journal reporter	106.00
Calendar clerk	95.00
Bill clerk	90.00
Sergeant-at-arms	84.00
Administrative assistant to majority leader	99.00
Staff assistant to majority leader	84.00
Administrative assistant to minority leader	99.00
Staff assistant to minority leader	84.00
Chief committee clerk	99.00
Appropriations Committee clerk	99.00
Assistant Appropriations Committee clerk	95.00
Committee clerk for three-day committee	95.00
Committee clerk for two-day committee	88.00
Assistant committee clerk	78.00
Deputy sergeant-at-arms	69.00
Chief page and bill book clerk	77.00
Legislative assistant	65.00

## HOUSE

Chief Clerk	\$109.00
Assistant chief clerk	95.00
Desk reporter	106.00
Calendar clerk	95.00
Bill clerk	90.00
Sergeant-at-arms	84.00
Administrative assistant to majority leader	99.00
Staff assistant to majority leader	84.00
Administrative assistant to minority leader	99.00
Staff assistant to minority leader	84.00
Administrative assistant to Speaker	84.00
Chief committee clerk	99.00
Appropriations Committee clerk	99.00
Assistant Appropriations Committee clerk	95.00
Committee clerk for three-day committee	95.00
Committee clerk for two-day committee	88.00
Assistant committee clerk	78.00
Payroll clerk	80.00
Deputy sergeant-at-arms	69.00
Chief page and bill book clerk	77.00
Telephone attendant	67.00
Legislative assistant	65.00

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-seventh Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

**BE IT FURTHER RESOLVED**, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

**BE IT FURTHER RESOLVED**, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay; and

**BE IT FURTHER RESOLVED**, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution designating Senate and House employment positions and fixing compensation.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

SCR 4007 was declared adopted on a recorded roll call vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and SCR 4007 be messaged to the House immediately, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4007.

**SECOND READING OF SENATE BILL**

**SB 2136:** A BILL for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to resident tuition at state institutions of higher education.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2136 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2048:** A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly; to provide for retroactive application; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2048 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2085:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to administrative agreements for loans and the issuance of bonds by the municipal bond bank on behalf of state agencies authorized to make loans or to allocate or issue bonds.

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Thane

SB 2085 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2103:** A BILL for an Act to amend and reenact section 4-09.1-03 of the North Dakota Century Code, relating to elimination of administrative rulemaking proceedings in establishing fees for commodity grade inspections.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2103 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2165:** A BILL for an Act to create and enact section 54-17.2-05.1 of the North Dakota Century Code, relating to the authority of the state building authority to lease and leaseback state property; and to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the calculation of lease payments for capital construction projects financed by the state building authority.

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Polovitz

SB 2165 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2170:** A BILL for an Act to amend and reenact section 20.1-03-07.2 of the North Dakota Century Code, relating to hunting by nonresident youths.

**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 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Erbele; Every; Freborg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nichols; Polovitz; Tallackson; Tomac; Traynor; Urlacher; Watne

**NAYS:** Bowman; Christmann; Cook; Dever; Espeland; Fischer; Flakoll; Grindberg; Kilzer; Klein; Kringstad; Lee; Lyson; Mutch; Nething; O'Connell; Robinson; Schobinger; Solberg; Stenehjelm; Thane; Tollefson; Trenbeath; Wanzek; Wardner

SB 2170 lost.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2089, SB 2128.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2146.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 16, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2065: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2142: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Sixth order on the calendar.

Page 24, line 26, remove "a."

Page 25, line 1, replace "b" with "a"

Page 25, line 11, replace "c" with "b"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2147: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2151: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed on the Sixth order on the calendar.

Page 1, line 2, after "assets" insert "; and to declare an emergency"

Page 1, after line 12, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2164: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Wardner, Krauter, Lyson and Reps. Haas, Rennerfeldt, Warner introduced:

**SB 2205:** A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to determination of the trigger price that determines application of oil extraction tax rates and exemptions; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sen. Tomac introduced:

**SB 2206:** A BILL for an Act to amend and reenact section 43-23.3-04, subsection 1 of section 43-23.3-09, and section 43-23.3-23 of the North Dakota Century Code, relating to permits to practice as a real estate appraiser; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Stenehjem, Flakoll, Solberg and Reps. Carlisle, Keiser, Weiler introduced:

**SB 2207:** A BILL for an Act to create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to the crediting of dividends, interest, or increments to an owner of unclaimed property; and to amend and reenact subsection 3 of section 47-30.1-24 of the North Dakota Century Code, relating to the payment of unclaimed property claims.

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

Sens. Krebsbach, Lee, Watne introduced:

**SB 2208:** A BILL for an Act to amend and reenact section 43-23-12.2 of the North Dakota Century Code, relating to the duties and liabilities of real estate brokerage firms and clients.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Lyson, Bercier, Solberg and Reps. Aarsvold, Byerly, Pietsch introduced:

**SB 2209:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for a motor vehicle acquired or leased by a resident who was a prisoner of war; and to provide an effective date.

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

Sens. Tallackson, Mutch and Reps. Kasper, Wald introduced:

**SB 2210:** A BILL for an Act to create and enact a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to health insurance utilization reports.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Klein, D. Mathern and Rep. Wald introduced:

**SB 2211:** A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the provision of a self-critical financial institution analysis privilege.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Dever, Kringstad, Stenehjem and Reps. Dosch, Keiser, Weiler introduced:

**SB 2212:** A BILL for an Act to amend and reenact section 1 of chapter 648 of the 1989 Session Laws and section 1 of chapter 562 of the 1991 Session Laws, relating to the sale of state land to Burleigh County.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sen. Trenbeath and Rep. Klemin introduced:

**SB 2213:** A BILL for an Act to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to a city tax levy for employee health insurance.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Erbele, Nichols and Reps. Brandenburg, D. Johnson introduced:

**SB 2214:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership on the state board of animal health.

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

Sens. Wardner, Fischer, Heitkamp and Reps. Aarsvold, Keiser introduced:

**SB 2215:** A BILL for an Act to repeal chapter 11-26 of the North Dakota Century Code, relating to county debt adjustment boards.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Wanzek, Tomac and Reps. D. Johnson, Mueller introduced:

**SB 2216:** A BILL for an Act to amend and reenact section 6-09.10-03 of the North Dakota Century Code, relating to the expiration date for the North Dakota agricultural mediation service.

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

#### **FIRST READING OF HOUSE BILLS**

**HB 1081:** A BILL for an Act to amend and reenact section 13-04.1-02 of the North Dakota Century Code, relating to money broker licenses.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1082:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 6-01-07.1 of the North Dakota Century Code, relating to information sharing agreements between the department of banking and financial institutions and other state agencies.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1147:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 and subsection 4 of section 54-06-09 of the North Dakota Century Code, relating to use of personal motor vehicles by state employees.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3005:** A concurrent resolution directing the Legislative Council to study the fees and point demerits for traffic offenses.

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

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

**WILLIAM R. HORTON, Secretary**