

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, March 3, 2005

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

The prayer was offered by Pastor Michael Bommarito, Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Belter, Dosch, Keiser, Kreidt, and Wald.

A quorum was declared by the Speaker.

## POINT OF PERSONAL PRIVILEGE

**REP. S. KELSH:** Mr. Speaker: I rise on a point of personal privilege.

Mr. Speaker and members of the Assembly. Today a pioneer in wind energy development is being laid to rest in McLean County.

Denver Rosberg, age 84, was an entrepreneur, a community leader, a passionate advocate for wind energy development in our state, and a genuine pioneer in the truest sense of the word and in the great tradition of innovative pioneers who settled here more than a century ago. Included in his list of public service activities was serving as a member of this legislative assembly in 1955.

He was among the first to have several wind turbines on his farm. In those early days, he was always helping others in North Dakota get their turbines operating. Right to the end, he attended renewable energy conferences, enthusiastically telling fascinating stories about others who shared his vision of energy independence.

He had a vision of what this state could do with our wind resource and took every opportunity to learn the newest technology and the latest incentives that states were looking at to move the industry forward. He marveled at the technical progress made in the industry, yet remained disappointed that others could not always see the vision he had.

Many who knew him believe he had the first all-electric car in North Dakota. During the early 1970's he purchased a new Ford Fairlane powered only by batteries. There were 20 batteries in the front under the hood and another 20 in the trunk. It could run from 3 to 6 hours before needing recharging and could reach speeds of up to 40 miles per hour. It didn't purr like a kitten - it made no noise at all! At night he would hook it up to the wind turbine on his farm to get it recharged. He was a true pioneer.

He used to tell his local utility - "Boys, we can do better than this" when it came to renewable energy development. He was a strong advocate for policies that enabled local farmers to be paid for supplying the power for their neighbors through the cooperative by having wind turbines on their farms. He went to his grave not seeing that concept happen, but did live to see the wind industry begin to take hold in North Dakota.

In addition to this legislative service and his activity with wind development, he cared about his community and served it well in many capacities. He was a 4-H leader, a member of the Eagles, the Elks, and the Golden Kiwanis, and the Westerners history group.

Someday this state will achieve its destiny as the premier supplier of wind energy in this country if we in the legislature have the will to develop public policy to make it happen. When that chapter of North Dakota history is written, Denver Rosberg's name should be embossed on the first page.

It is appropriate that we honor his memory today. We offer our sympathies to his wife, Delores (Dee) and his family, and thank them for sharing Denver for his public-spirited activities. My hope is that we can achieve the vision that Denver Rosberg had regarding renewable energy development in North Dakota. Thank you.

## MOTION

**REP. BOUCHER MOVED** that the remarks of Rep. Kelsh be printed in the Journal, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of HCR 3035 HCR 3037, HCR 3048, SB 2159, SB 2167, SB 2170 and SB 2297.

HCR 3035, HCR 3037 and HCR 3048, as amended, were placed on the Eleventh order of business on the calendar.

SB 2159, SB 2167, SB 2170 and SB 2297, as amended, were placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to amend and reenact sections 57-38.4-01 and 57-38.4-02 of the North Dakota Century Code, relating to inclusion of corporations in a unitary relationship and incorporated in a tax haven as part of a water's edge corporate income tax filing election; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 62 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovda; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Wald

SB 2046 lost.

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**SECOND READING OF SENATE BILL**

**SB 2065:** A BILL for an Act to amend and reenact subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to county mill levy limitations for comprehensive health insurance; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 11 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Timm; Uglem; Vigasaa; Wall; Wieland; Williams; Wrangham; Zaiser

**NAYS:** Bellew; Carlson; Iverson; Kasper; Porter; Ruby; Skarphol; Thoreson; Weiler; Weisz; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; DeKrey; Delzer; Dosch; Keiser; Kreidt; Wald

SB 2065 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2064:** A BILL for an Act to amend and reenact sections 15-62.2-00.1 and 15-62.2-03.3 of the North Dakota Century Code, relating to applicants for state scholarships.

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

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; DeKrey; Delzer; Dosch; Keiser; Kreidt; Wald

SB 2064 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to amend and reenact section 15.1-06-05 of the North Dakota Century Code, relating to reconfiguration of instructional days by school districts; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; DeKrey; Dosch; Keiser; Kreidt; Wald

Engrossed SB 2066 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2109:** A BILL for an Act to amend and reenact section 15.1-28-01 of the North Dakota Century Code, relating to deposits paid into the state tuition fund.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad;

Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; DeKrey; Dosch; Keiser; Kreidt; Wald; Wrangham; Zaiser

SB 2109 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2061:** A BILL for an Act to amend and reenact section 35-20-17 of the North Dakota Century Code, relating to a landlord's mobile home lien; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; DeKrey; Dosch; Keiser; Kreidt; Wald

Engrossed SB 2061 passed and the title was agreed to.

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## MOTION

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

## MOTION

**REP. BERG MOVED** that HCR 3035 be laid over three legislative days, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2182:** A BILL for an Act to provide for the validity of certain conveyances by an estate or trust; and to provide for application.

## 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Dosch; Keiser; Kreidt; Vigesaa; Wald

Engrossed SB 2182 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2180:** A BILL for an Act to amend and reenact section 11-18-03 of the North Dakota Century Code, relating to instruments recorded without auditor's certificate.

**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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Wald

Engrossed SB 2180 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2113:** A BILL for an Act to provide for a legislative council study of hunting and fishing privileges for nonresidents and nonresidents who are former residents.

**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 78 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Brusegaard; Damschen; Delzer; Dietrich; Froseth; Herbel; Skarphol; Timm; Weiler

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Norland; Wald; Wrangham

Engrossed SB 2113 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to amend and reenact section 23-11-05 of the North Dakota Century Code, relating to the compensation of housing authority commissioners.

**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 85 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte;

Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Delzer; Porter; Skarphol

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Wald

Engrossed SB 2345 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2163:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to students' possession and self-administration of medication for the treatment of asthma and anaphylaxis.

### 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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Wald

Engrossed SB 2163 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2078:** A BILL for an Act to amend and reenact sections 15-10-37 and 15-10-38 of the North Dakota Century Code, relating to eligibility for loans under the technology occupations student loan program and eligibility for loan forgiveness under the teacher shortages loan forgiveness program.

### 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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Ruby

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kreidt; Maragos; Wald

Engrossed SB 2078 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2210:** A BILL for an Act to amend and reenact sections 15.1-16-03 and 15.1-16-04 of the North Dakota Century Code, relating to compensation for factfinders and members of the education factfinding commission.

**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 80 YEAS, 6 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Delzer; Dietrich; Ruby; Skarphol; Timm

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kelsch, R.; Kingsbury; Kreidt; Maragos; Wald

SB 2210 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2166:** A BILL for an Act to amend and reenact subsection 2 of section 19-03.3-01 and sections 19-03.3-02, 19-03.3-03, 19-03.3-04, and 19-03.3-05 of the North Dakota Century Code, relating to treatment and care for pain.

**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 84 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Dosch; Gulleeson; Herbel; Keiser; Kelsch, R.; Kingsbury; Kreidt; Maragos; Wald

Engrossed SB 2166 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2189:** A BILL for an Act to amend and reenact section 23-01-05.3 of the North Dakota Century Code, relating to the exchange of immunization data.

**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 79 YEAS, 6 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Dietrich; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson;

Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Brusegaard; Devlin; Froelich; Meyer, S.; Ruby

**ABSENT AND NOT VOTING:** Belter; Dosch; Herbel; Keiser; Kelsch, R.; Kingsbury; Kreidt; Maragos; Wald

SB 2189 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2177:** A BILL for an Act to create and enact section 57-39.2-04.5 and a new section to chapter 57-39.5 of the North Dakota Century Code, relating to a sales and use tax exemption for dairy farm machinery, equipment, and structural materials; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 40 YEAS, 47 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Brusegaard; Carlisle; Charging; Conrad; Damschen; Delmore; Devlin; Ekstrom; Froelich; Glassheim; Gulleson; Hawken; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Vigasaa; Wall; Williams; Zaiser

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Carlson; Clark; DeKrey; Delzer; Dietrich; Drovdal; Froseth; Galvin; Grande; Haas; Hanson; Headland; Herbel; Horter; Kasper; Kempenich; Kingsbury; Klemin; Koppelman; Martinson; Meier, L.; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Dosch; Keiser; Kelsch, R.; Kreidt; Maragos; Wald

Engrossed SB 2177 lost.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3056:** A concurrent resolution urging the President and Congress to reform and strengthen the Social Security system in order to ensure its viability for future generations.

## ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 26 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovdal; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Keiser; Kelsch, R.; Kreidt; Maragos; Nicholas; Wald



HCR 3056 passed and the title was agreed to.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3030:** A concurrent resolution urging the President and Congress to maintain the stability of the federal Social Security system and to forego any effort to privatize any aspect of the federal Social Security system.

### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 59 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovda; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Martinson; Meier, L.; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Clark; Dosch; Keiser; Kelsch, R.; Kreidt; Maragos; Nelson; Nicholas; Wald

HCR 3030 lost.

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### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has failed to pass: SB 2196.

### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SB 2062, SB 2155, SB 2199.

### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House wishes to inform the Senate that the House has voted to amend Joint Rule 203-2 to read "forty-third" in place of "fortieth", thereby extending the deadline for transmitting resolutions to the Senate.

### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1034, HB 1098, HB 1138, HB 1166, HB 1218, HB 1396, HCR 3021.

### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2043, SB 2085, SB 2086, SB 2091, SB 2095, SB 2110, SB 2114, SB 2128, SB 2136, SB 2142, SB 2173, SB 2218.

### **MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1027, HB 1078, HB 1080, HB 1099, HB 1111, HB 1129, HB 1131, HB 1139, HB 1167, HB 1223, HB 1247, HB 1300, HB 1340, HB 1392, HB 1492, HB 1519, HCR 3009.

### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 3, 2005: HB 1066, HB 1068, HB 1081, HB 1083, HB 1084, HB 1093, HB 1100, HB 1102, HB 1117, HB 1128, HB 1137, HB 1162, HB 1180, HB 1237, HB 1265, HB 1355, HB 1412.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1075, HB 1107, HB 1199, HB 1389.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1193, HB 1238.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1193**

Page 2, line 28, overstrike "Notwithstanding this subsection, if a person"

Page 2, overstrike lines 29 and 30

Page 2, line 31, overstrike "and is eligible to apply for, but not transfer, a" and overstrike "license to hunt elk"

Page 3, line 1, overstrike "in future years."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1238**

Page 1, line 16, replace the first "the" with "only one" and after "license" insert "may be issued and the license"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1512.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1144.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:00 p.m., Friday, March 4, 2005, which motion prevailed.

**FIRST READING OF HOUSE BILL**

Reps. Berg, Boucher, Charging, Vigasaa and Sens. Stenehjem, O'Connell introduced:  
(Approved by the Delayed Bills Committee)

**HB 1526:** A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to creation of an industrial commission tribal-state guaranty program; and to provide a continuing appropriation.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4033:** A concurrent resolution directing the Legislative Council to study whether enhancing the quality of childcare and increasing access to affordable childcare would favorably impact economic development in the state.

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

**REPORT OF STANDING COMMITTEE**

**SB 2033, as engrossed:** **Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2033 was placed on the Sixth order on the calendar.

Page 2, line 1, after "~~to~~" insert an underscored comma

Page 2, line 2, after "guardian" insert an underscored comma

Page 2, line 3, after the third underscored comma insert "located outside the student's school district of residence,"

Page 2, line 4, replace "section" with "sections 25-01.2-01 and"

Page 4, line 22, after the second underscored comma insert "located outside the student's school district of residence," and replace "section" with "sections 25-01.2-01 and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2039: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2039 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2069: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2071: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2071 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2075: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2075 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2098: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2149: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the underscored colon

Page 1, line 15, replace "a. The" with "the"

Page 1, line 16, remove the underscored semicolon

Page 1, line 17, replace "b. The" with "the"

Page 1, line 18, after the underscored period insert "If a county is released from the county's duty to supervise and administer designated child welfare services under this subsection, the county retains its financial responsibility for providing those services."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2202, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 4, after "agency" insert "; and to declare an emergency"

Page 1, after line 13, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2225: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2225 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2262: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2262 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2321: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (6 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2321 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2322, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2322 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2355, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2355 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2403: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2403 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2410: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2410 was placed on the Sixth order on the calendar.

Page 1, line 3, after "determinations" insert "; and to declare an emergency"

Page 1, after line 9, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4027: Government and Veterans Affairs Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4027 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second "and" insert "review the legal and medical definitions used for dementia-related conditions and the"

Page 1, line 5, replace "6,000" with "16,000"

Page 1, line 15, after the second "and" insert "review the legal and medical definitions used for dementia-related conditions and the"

Renumber accordingly

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

**Bradley C. Fay, Chief Clerk**