

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, March 2, 2009

The House convened at 12:30 p.m., with Speaker Monson presiding.

The prayer was offered by Pastor Spencer Baker, Open Door Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## POINT OF PERSONAL PRIVILEGE

**REP. BOUCHER:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

**PROCLAMATION  
NORTH DAKOTA EDUCATION ASSOCIATION (NDEA)  
READ ACROSS AMERICA DAY  
MARCH 2, 2009**

**WHEREAS**, North Dakota citizens are committed to promoting reading as the catalyst for our students' future academic success, their preparation for the jobs of the future and their ability to compete in the global economy; and

**WHEREAS**, the NDEA is sponsoring Read Across America Day to celebrate the birthday of Dr. Seuss and promote reading and adult involvement in the education of our youth; and

**WHEREAS**, research shows that children who read and are read to do better in school and develop a lifelong passion for the joys of reading; and

**WHEREAS**, the NDEA is working with other literacy, youth and civic groups throughout the state to get parents, teachers and communities involved in promoting the excitement and importance of reading on this day and every day; and

**WHEREAS**, North Dakotans are encouraged to ensure that every child is in a safe place reading together with a caring adult on this day and make sure we remain committed to the programs and activities that make our children proficient readers.

**NOW, THEREFORE**, the North Dakota House of Representatives does hereby proclaim March, 2, 2009, NDEA READ ACROSS AMERICA DAY.

## MOTION

**REP. CARLSON MOVED** that the remarks of Representative Boucher be printed in the Journal, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HCR 3035, HCR 3048, SB 2128, and Engrossed SB 2139.

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

SB 2128 and Engrossed SB 2139, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that SB 2272 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2272 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that SB 2047, SB 2230, and SB 2412 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**,

which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2047, SB 2230, and SB 2412 were rereferred.

#### MOTION

**REP. VIGESAA MOVED** that HB 1472 be returned to the House floor from the **Senate** for the purpose of removing the emergency clause, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that we suspend the rules, according to House Rule 508, whereby study resolutions and proposed constitutional amendments must be reported out of committee by the 37th Legislative Day to the 40th Legislative Day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2034:** A BILL for an Act to amend and reenact subsection 5 of section 57-51.1-03 of the North Dakota Century Code, relating to exemption from oil extraction tax on tertiary recovery projects that use carbon dioxide.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

SB 2034 passed and the title was agreed to.

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#### MOTION

**REP. CARLSON MOVED** that SB 2051, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2096:** A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to medical care of intoxicated persons.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

SB 2096, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2097:** A BILL for an Act to amend and reenact subsection 3 of section 50-25.1-02 and section 50-25.1-11 of the North Dakota Century Code, relating to the definition of a

sexually abused child and to who may receive confidential reports of child abuse and neglect.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed SB 2097, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2137:** A BILL for an Act to amend and reenact subsection 6 of section 49-02-02 and sections 49-05-04, 49-05-04.2, 49-05-04.3, and 49-05-16 of the North Dakota Century Code, relating to powers of the public service commission and electric and gas public utility application fees; and to provide a continuing appropriation.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed SB 2137 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to amend and reenact section 20.1-02-16.6 of the North Dakota Century Code, relating to the transfer of motorboat registration fee revenues.

#### 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 93 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa;

Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser;  
Speaker Monson

**NAYS:** Delmore

SB 2146 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2147:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authorization for two design-build contracts for highway or bridge projects; to provide for a report to the legislative assembly; 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, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Boehning; Clark; Delzer; Kasper; Thoreson; Wrangham

SB 2147 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to create and enact section 39-04-14.3 of the North Dakota Century Code, relating to online renewal receipts.

### **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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

SB 2148 passed and the title was agreed to.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2094.

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

**MR. PRESIDENT:** The House respectfully requests the return of: HB 1472.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2036, SB 2050, SB 2054, SB 2067, SB 2126, SB 2127, SB 2142, SB 2143.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2094.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4026.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1031, HB 1089, HB 1095, HB 1096, HB 1102, HB 1103, HB 1104, HB 1105, HB 1107, HB 1108, HB 1138, HB 1143, HB 1144, HB 1146.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate respectfully requests the return of: SB 2229.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The President has signed: SB 2094.

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Tuesday, March 3, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2028: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2028 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2029, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2041: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "division of state radio"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2055: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2056: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2056 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2058: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2058 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2069: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2071, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2071 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2078: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2111: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2130: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2134, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2134 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2136, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2136 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2208, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2208 was placed on the Sixth order on the calendar.

Page 1, line 9, after the overstruck comma insert "and rapeseed or canola"

Page 1, line 10, overstrike the comma

Page 1, line 11, overstrike "rapeseed or canola,"

Page 2, line 28, after "sunflowers" insert "and canola"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Tenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4008:** A concurrent resolution urging Congress and the President to adopt a veterans remembered flag.

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

**SCR 4013:** A concurrent resolution for the amendment of section 13 of article I of the Constitution of North Dakota, relating to an exception of the right to trial by jury.

Was read the first time and referred to the **Constitutional Revision Committee**.

**SCR 4016:** A concurrent resolution urging the Congress of the United States and the President to enact federal legislation promoting travel to the United States by overseas visitors, thereby promoting the economies of communities across North Dakota and the United States.

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

**SCR 4018:** A concurrent resolution recognizing the components of sustainable agriculture in this state.

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

**SCR 4020:** A concurrent resolution urging Congress to preserve the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing.

Was read the first time and referred to the **Natural Resources Committee**.

**SCR 4022:** A concurrent resolution urging Congress and the President of the United States to enact federal legislation to repeal perverse federal tax subsidies to United States companies that move manufacturing operations and American jobs offshore.

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

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

**Buell J. Reich, Chief Clerk**

