

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 4, 1999

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

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Disrud, Gunter, and Tollefson.

A quorum was declared by the Speaker.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 9:45 a.m., March 4, 1999: HB 1042, HB 1055, HB 1059, HB 1084, HB 1086, HB 1090, HB 1094, HB 1096, HB 1097, HB 1100, HB 1103, HB 1112, HB 1145, HB 1164, HB 1195, HB 1202, HB 1203, HB 1342, HB 1375.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to SB 2064, Engrossed SB 2257, and SB 2437 be adopted, which motion prevailed.

SB 2064, Engrossed SB 2257, and SB 2437, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2054:** A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to inclusion of a production cost factor in the formula for valuation and assessment of agricultural land for property tax purposes; 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 PASS, the roll was called and there were 78 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Cleary; Dalrymple; DeKrey; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grosz; Grumbo; Gullerson; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Byerly; Carlson; Clark; Delmore; Delzer; Glassheim; Grande; Hanson; Johnson, N.; Keiser; Kliniske; Martinson; Mickelson; Poolman; Thoreson, B.; Thoreson, L.; Winrich

**ABSENT AND NOT VOTING:** Gunter; Maragos; Tollefson

SB 2054, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2087:** A BILL for an Act to amend and reenact sections 12-59-01, 12-59-02, subsection 2 of section 12-59-15, subsection 17 of section 12.1-34-02 of the North Dakota Century Code, relating to membership, meetings, and compensation of the parole board, parole revocation proceedings, and fair treatment standards for victims and witnesses of crimes; and to delcare 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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Dalrymple; Gunter; Maragos; Tollefson

Engrossed SB 2087, 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 2132:** A BILL for an Act to amend and reenact sections 53-06.1-01, 53-06.1-01.1, 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-10, 53-06.1-11, 53-06.1-11.1, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, and 53-06.1-16 of the North Dakota Century Code, relating to games of chance.

**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; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Maragos; Tollefson

Engrossed SB 2132, as amended, passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2271 and Engrossed SB 2368, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2275:** A BILL for an Act to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to the practice of massage; to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code, relating to physical therapist assistants; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Tollefson

Engrossed SB 2275, 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 2309:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 43-25-07 of the North Dakota Century Code, relating to school of massage therapy accreditation standards.

### 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, 1 NAY, 0 EXCUSED, 2 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; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Froelich

**ABSENT AND NOT VOTING:** Gunter; Tollefson

Engrossed SB 2309, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2388:** A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to adoption investigations.

### 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 91 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; 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; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Dalrymple; Huether; Jensen; Maragos; Wentz

**ABSENT AND NOT VOTING:** Gunter; Tollefson

Engrossed SB 2388, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2407:** A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to insurance sales by rental car agencies.

#### 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; Gullerson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; 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; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Tollefson; Wentz

Engrossed SB 2407, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2042:** 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 evidences of indebtedness and the withholding of state aid to school districts; and to amend and reenact sections 6-09.4-18 and 21-03-44 of the North Dakota Century Code, relating to insurance or guaranties for bonds and sinking funds.

#### 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 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; Gullerson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Maragos; Tollefson

Engrossed SB 2042 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2079:** A BILL for an Act to amend and reenact subsection 6 of section 15-27.2-04 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 11 of section 15.1-12-05 of the North Dakota Century Code, relating to state board of public school education annexation appeals.

**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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Tollefson

SB 2079, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of records of board of higher education and university system officers and employees.

**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 65 YEAS, 29 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Froseth; Glassheim; Grumbo; Gulleson; Hanson; Hoffner; Kelsh, S.; Kroeber; Lemieux; Lloyd; Lundgren; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Dalrymple; Gorder; Gunter; Tollefson

Engrossed SB 2141 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2197:** A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to false allegations of domestic abuse.

**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, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Haas; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt;

Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Ekstrom; Fairfield; Guleson; Hanson; Hawken; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lundgren; Poolman; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Wentz

**ABSENT AND NOT VOTING:** Dalrymple; Gunter; Tollefson

SB 2197 passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Friday, March 5, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 16, remove the underscored comma and overstrike "and"

Page 1, line 17, replace "the" with ". The" and replace "request publication of" with "publish"

Page 1, line 18, remove "publication"

Page 1, line 22, replace "with" with ". The newspaper publication of the notice must include"

Page 1, line 23, replace the first "and" with ". The newspaper publication of notice must include"

Page 1, line 24, after the first "and" insert "must include"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2066, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2066 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "twelve" with "twenty-five"

Page 2, line 12, replace "ten" with "twenty-five" and replace "16090" with "40225"

Page 2, line 21, replace "twelve" with "twenty-five"

Page 3, line 9, replace "ten" with "twenty-five" and replace "16090" with "40225"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2069: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2082: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2082 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2098: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "twenty-four" and insert immediately thereafter "twenty"

Page 1, line 10, replace "twelve" with "eight"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2101: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 2 of section 57-34-03 and"

Page 1, line 2, after the first "to" insert "deposit and", replace "telecommunication" with "telecommunications", and after "tax" insert "; to provide a continuing appropriation; to provide for a transfer"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 57-34-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A telecommunications carrier's customer in this state is entitled to a refund equal to two and one-half percent of the amount of telecommunications service charges paid to telecommunications carriers by that customer in excess of eight hundred thousand dollars in a calendar year. A refund claim under this subsection must be filed with the tax commissioner before July first of the year following the calendar year for which the refund is claimed. A claim for refund must be made in the manner prescribed by the tax commissioner. Refunds under this subsection must be paid by the tax commissioner from tax collections under this chapter and are appropriated from the telecommunications carriers tax fund as a standing and continuing appropriation to the tax commissioner for that purpose."

Page 1, line 7, after the first period insert "**Deposit of tax revenues -**", after "**counties**" insert "**- Telecommunications carriers tax fund**", and after the second period insert "Net gross receipts tax revenues of up to eight million four hundred thousand dollars per taxable year under this chapter must be deposited in a special fund in the state treasury, the telecommunications carriers tax fund. Net gross receipts tax revenues under this chapter exceeding eight million four hundred thousand dollars in a taxable year must be deposited in the state general fund. For purposes of this section, "net gross receipts tax revenues" means gross receipts tax revenues minus any refunds paid under section 57-34-03."

Page 1, line 8, overstrike "net gross receipts tax revenues" and insert immediately thereafter "moneys in the telecommunications carriers tax fund"

Page 1, line 13, overstrike "Gross receipts tax revenues of" and insert immediately thereafter "The balance of the telecommunications carriers tax fund, not exceeding"

Page 1, line 14, overstrike "are" and insert immediately thereafter ", is"

Page 1, line 15, overstrike "and any gross receipts tax revenues"

Page 1, line 16, overstrike "exceeding that appropriation in any taxable year must be deposited in the state general fund"

Page 1, line 20, after the first "allocation" insert "from the telecommunications carriers tax fund"

Page 2, after line 2, insert:

**"SECTION 3. TRANSFER.** Within five days after the effective date of this Act, the state treasurer shall transfer net gross receipts tax revenues collected under

chapter 57-34 during 1998 from the state general fund to the telecommunications carriers tax fund, but the transfer under this section may not exceed the limitation on deposits in the telecommunications carriers tax fund under section 57-34-05."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2125, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 1, line 14, replace "a person" with "an individual"

Page 1, line 16, replace "person's" with "individual's"

Page 1, after line 20, insert:

- "3. A city or county may adopt an ordinance or resolution that deems a violation of subsection 2 a noncriminal violation with a fee of twenty-five dollars.
- a. Any individual who has been cited for a violation that is designated a noncriminal offense may appear before a court of competent jurisdiction and pay the statutory fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the statutory fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the statutory fee. This subdivision does not allow a halting officer to receive the statutory fee or bond.
- b. If an individual cited for a violation that is designated a noncriminal offense does not choose to follow any procedure provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual charged shall deposit with the court an appearance bond equal to the statutory fee for the violation charged. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence.
4. A law enforcement officer who cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2148, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 3, after the fifth comma insert "subsection 3 of section 16.1-13-22, sections 16.1-15-01,"

Page 1, line 6, remove "form of the"

Page 6, after line 26, insert:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the party ballot or votes for candidates of more than one party the elector's party ballot will be rejected.

**SECTION 8. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-01. Ballots void and not counted - Part of ballot may be counted.** In the canvass of the votes at any election, a ballot is void and may not be counted if:

1. It is not endorsed with the official stamp and initials as provided in this title; or
2. It is impossible to determine the elector's choice from the ballot or parts of a ballot.

If a ballot is marked so only a part of the voter's intention can be determined, the election judges shall count such part. If an elector votes for more than the number of persons to be elected to any office, the elector's ballot may be invalidated only insofar as the elector's vote for such office is concerned, and the balance of the elector's ballot, if otherwise proper, may not be invalidated. However, at primary elections only, a party ballot is void if the elector votes for candidates of more than one party."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2152: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-55-05 of the North Dakota Century Code, relating to the commission on uniform state laws;"

Page 1, underscore lines 7 through 24

Page 2, underscore lines 1 through 29

Page 3, underscore lines 1 through 31

Page 4, underscore lines 1 through 31

Page 5, underscore lines 1 through 31

Page 6, underscore lines 1 through 30

Page 7, underscore lines 1 through 31

Page 8, underscore lines 1 through 31

Page 9, underscore lines 1 through 31

Page 10, underscore lines 1 through 30

Page 11, underscore lines 1 through 30

Page 12, underscore lines 1 through 31

Page 13, underscore lines 1 through 30

Page 14, underscore lines 1 through 29

Page 15, underscore lines 1 through 31

Page 16, underscore lines 1 through 31

Page 17, underscore lines 1 through 31

Page 18, underscore lines 1 through 29

Page 19, underscore lines 1 through 31

Page 20, underscore lines 1 through 30

Page 21, underscore lines 1 through 23

Page 21, after line 23, insert:

**"SECTION 2. AMENDMENT.** Section 54-55-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-55-05. No compensation for commissioners.** The commissioners shall serve without compensation for services as commissioners. The commissioners who are appointed to the commission and the commissioners who have been elected life members of the national conference, except those who are appointed by virtue of having served five years on the commission but who have not served at least twenty years in the legislative assembly, are entitled to be reimbursed, from moneys appropriated for that purpose, for necessary expenses incurred in performing their duties at the rates provided in sections 44-08-04 and 54-06-09. Warrant-checks for expense reimbursement must be prepared by the office of management and budget upon vouchers submitted by the commissioners."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2158, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2158 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2160, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2181: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "26.1-26-01," and remove "26.1-26-06,"

Page 1, line 3, remove "26.1-26-09,"

Page 1, line 4, remove "26.1-26-32,"

Page 1, line 5, remove "26.1-26-42,"

Page 3, line 5, remove the overstrike over "a license for a resident agent or"

Page 3, line 6, replace "agent's license" with "agent"

Page 3, line 22, remove the overstrike over "~~or limited insurance representative~~"

Page 5, line 11, remove the overstrike over "~~However, if the laws or rules of another state require a~~"

Page 5, remove the overstrike over lines 12 through 24

Page 5, remove lines 25 through 30

Page 6, remove lines 1 and 2

Page 6, line 21, remove the overstrike over "~~Limited insurance representative~~" means an individual, partnership," and insert immediately thereafter "limited liability partnership," and remove the overstrike over "~~corporation~~,"

Page 6, remove the overstrike over lines 22 through 26

Page 6, line 27, remove the overstrike over "6:"

Page 7, line 3, remove "or" and remove the overstrike over "~~, or limited representative~~"

Page 7, line 5, remove the overstrike over "~~limited insurance representative~~,"

Page 7, line 7, remove the overstrike over "~~limited insurance representative~~,"

Page 7, line 17, remove the overstrike over "~~limited insurance representative~~,"

Page 7, line 19, remove the overstrike over "~~limited~~"

Page 7, line 20, remove the overstrike over "~~insurance representative~~,"

Page 7, line 23, remove the overstrike over "~~limited insurance representative~~,"

Page 8, line 6, remove the overstrike over "~~limited insurance representative~~,"

Page 8, remove lines 17 through 23

Page 8, line 29, remove the overstrike over "~~limited insurance representative~~,"

Page 9, remove lines 20 through 31

Page 10, remove lines 1 through 12

Page 10, line 29, remove the overstrike over "~~Agent or limited representative~~" and remove "Insurance agent"

Page 10, line 30, remove the overstrike over "~~or limited~~"

Page 10, line 31, remove the overstrike over "~~insurance representative~~,"

Page 11, line 2, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 4, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 5, remove the overstrike over "~~or limited insurance~~"

Page 11, line 6, remove the overstrike over "~~representative~~"

Page 12, line 25, remove the overstrike over "~~limited insurance representative~~,"

Page 12, line 30, after the first comma insert "limited liability partnership,"

Page 15, remove lines 7 through 12

Page 17, line 4, remove the overstrike over "~~limited insurance representative~~,"

Page 17, line 6, remove the overstrike over "~~limited insurance representative~~,"

Page 17, remove lines 8 through 31

Page 18, remove lines 1 through 21

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2207, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2207 was placed on the Sixth order on the calendar.

Page 2, line 6, after the underscored period insert "The commission shall enforce these provisions and this section."

Page 2, line 15, after the underscored period insert "A telecommunications company that violates this section is deemed to have committed an unlawful practice in violation of section 51-15-02 and is subject to the provisions, procedures, and penalties of chapter 51-15."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2233: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). SB 2233 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2240: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2240 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~Upon placing that person in a hospital, detoxification center, or jail,~~"

Page 1, line 15, remove the overstrike over "~~the peace officer shall~~" and insert immediately thereafter "make a reasonable effort to" and remove the overstrike over "~~notify the intoxicated person's family as soon as possible.~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2246, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2246 was placed on the Sixth order on the calendar.

Page 2, line 21, after the comma insert "if directed by the board of county commissioners"

Page 3, line 1, overstrike "The" and insert immediately thereafter "If directed by the board of county commissioners, the"

Page 3, line 21, replace "2000" with "1998"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2255: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Sixth order on the calendar.

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

Page 1, after line 11, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2313, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2313 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2343: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). SB 2343 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2345, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2345 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2406, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (8 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4010:** A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to authorizing the legislative assembly to provide that public moneys may be paid over to certain entities if the legislative assembly provides for regular audits and reports.

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

**SCR 4053:** A concurrent resolution urging Congress to act quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced membership of the Advisory Commission on Electronic Commerce and urging the Advisory Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet usage and Internet sales transactions on telecommunications, traditional retail businesses, and state and local tax bases.

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

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1077, HB 1122, HB 1143, HB 1188, HB 1349.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1077**

Page 2, line 4, replace "is a dual protection order" with "also provides protection for the respondent"

Page 2, line 6, replace "each party" with "the respondent"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1122**

Page 1, line 13, overstrike "or"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1143**

Page 1, line 3, after the second boldfaced period insert:

"1."

Page 1, line 8, replace "1" with "a"

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

Page 1, after line 16, insert:

"2. A written medical records release must be for a specific stated time, but not to exceed three years or until revoked in writing by the patient."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1188**

Page 2, line 30, remove "the education"

Page 2, line 31, remove "standards and practices board, "

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1349**

Page 1, line 1, after "Code" insert ", or in the alternative to amend and reenact section 15.1-19-11 of the North Dakota Century Code"

Page 1, line 4, replace "Section" with "If House Bill No. 1034 does not become effective, section"

Page 1, after line 14, insert:

**"SECTION 2. AMENDMENT.** Section 15.1-19-11 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

**15.1-19-11. School safety patrols - Establishment - Adoption of rules.** The board of a school district or the governing body of a nonpublic school may authorize a school principal or administrator to establish a safety patrol and to appoint students to the safety patrol. Any student ~~age eleven or older~~ enrolled in grade five or higher is eligible for appointment to a safety patrol, provided the student's parent has filed written permission with the school principal or administrator. The superintendent of public instruction shall adopt rules to guide safety patrol members in the conduct of their duties and shall specify the identification to be worn and the signals to be used by safety patrol members while on duty."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1435.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

**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 4010.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2112, SB 2370.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2041, SB 2133, SB 2142, SB 2149, SB 2214, SB 2219, SB 2221, SB 2295, SB 2303, SB 2315, SB 2328, SB 2376.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3072, HCR 3077.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3078.

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

**MR. SPEAKER:** The President has signed: HB 1044, HB 1050, HB 1053, HB 1074, HB 1076, HB 1078, HB 1085, HB 1088, HB 1098, HB 1107, HB 1110, HB 1111, HB 1113, HB 1114, HB 1116, HB 1117, HB 1125, HB 1180, HB 1181, HB 1201, HB 1208, HB 1215, HB 1216, HB 1222, HB 1247, HB 1271, HB 1318, HB 1337, HB 1343, HB 1351, HB 1363, HB 1459, HB 1474, HCR 3010.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bill: HB 1168.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1168.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2063, SB 2070, SB 2110, SB 2130, SB 2131, SB 2146, SB 2157, SB 2178, SB 2190, SB 2231, SB 2292.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2063, SB 2070, SB 2110, SB 2130, SB 2131, SB 2146, SB 2157, SB 2178, SB 2190, SB 2231, SB 2292.

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

**LANCE HAGEN, Chief Clerk**