

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, January 12, 2011

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Representative M. Nelson.

A quorum was declared by the Speaker.

## REPORT OF PROCEDURAL COMMITTEE

**MR. SPEAKER:** Your procedural Committee on Employment (Rep. R. Kelsch, Chairman) recommends the following House employees for the Sixty-second Legislative Assembly:

## 2011 HOUSE EMPLOYEES

	<u>CHIEF CLERK</u>	
Buell Reich		Bismarck
	<u>ASSISTANT CHIEF CLERK</u>	
Carl Strum		Beach
	<u>JOURNAL REPORTER</u>	
Susan Axvig		Bismarck
	<u>BILL CLERK</u>	
Fran Gronberg		Bismarck
	<u>CALENDAR CLERK</u>	
Janice Thon		Bismarck
	<u>SERGEANT-AT-ARMS</u>	
Jerry Moszer		Bismarck
	<u>ADMINISTRATIVE ASSISTANT TO THE SPEAKER</u>	
Erma Hauglie		Bismarck
	<u>ADMINISTRATIVE ASSISTANT TO THE MAJORITY LEADER</u>	
Janice Stein		Mandan
	<u>STAFF ASSISTANT TO THE MAJORITY LEADER</u>	
	<u>ADMINISTRATIVE ASSISTANT TO THE MINORITY LEADER</u>	
Carol Siegert		Hunter
	<u>STAFF ASSISTANT TO THE MINORITY LEADER</u>	
Geoff Greenwood		Bismarck
	<u>CHIEF COMMITTEE CLERK</u>	
Marlys Kienzle		Bismarck
	<u>APPROPRIATIONS COMMITTEE CLERK</u>	
Meredith Traeholt		Bismarck
	<u>ASSISTANT APPROPRIATIONS COMMITTEE CLERKS</u>	
Shirley Ann Branning		Bismarck
Julia Geigle		Grand Forks
Sheri Lewis		Bismarck
	<u>COMMITTEE CLERKS</u>	
Vicky Crabtree		Mandan
Mary Brucker		Bismarck
Ellen LeTang		Mandan
Chad Fretheim		Bowman
Dawn Penrose		Bismarck
Virginia Emineth		Wilton
Delores Shimek		Bismarck
ReMae Kuehn		Mandan
Jeanette Cook		New Salem
Carmen Hart		Bismarck

	<u>ASSISTANT COMMITTEE CLERK</u>	
Mary Meier		Bismarck
	<u>DEPUTY SERGEANT AT ARMS</u>	
Peggy Puetz		Bismarck
	<u>ASSISTANT SERGEANT AT ARMS</u>	
Roberta Westbee		Bismarck
Jeanne Vetter		Bismarck
Dennis Kunz		Bismarck
Emily Knopik		Bismarck
Terrell Dunn		Ellendale
	<u>CHIEF PAGE AND BILL BOOK CLERK</u>	
Connie Johnsen		Bismarck
	<u>DESK PAGE</u>	
Ben Houdek		Mandan
	<u>PAGE AND BILL BOOK CLERK</u>	
Arlene Flanders		Robinson
David Hanson		Bismarck
Joan Von Rueden		Bismarck
Brenda Huff		Bismarck
	<u>INFORMATION KIOSK</u>	
Mary Mann		Mandan
	<u>PARKING LOT ATTENDANT</u>	
Christopher Boren		Mandan

**REP. VIGESAA MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### **ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** the appointments to the Memorial Committee: Rep. Heller, Chairwoman; Rep. Nathe; Rep. Sukut; Rep. Metcalf; and Rep. Hogan.

#### **CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the First and Sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 40, replace line 9 with "Appropriations Committee introduced:"

Page 40, replace line 10 with "(At the request of the Legislative Management)"

Page 48, line 19, replace "Meier" with "L. Meier"

Page 48, line 52, replace "Meyer" with "S. Meyer"

Page 121, line 50, delete ", as amended"

Page 122, line 3, delete ", as amended,"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

#### **SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1118.

HB 1118, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### **MOTION**

**REP. VIGESAA MOVED** that HB 1044 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, HB 1044 was rereferred.

#### **SECOND READING OF HOUSE BILL**

**HB 1050:** A BILL for an Act to amend and reenact section 65-05.1-08 of the North Dakota

Century Code, relating to a workers' compensation grant program for vocational rehabilitation; 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; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

HB 1050 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1063:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-04-42 of the North Dakota Century Code, relating to barber licensing fees.

#### 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 72 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Rohr; Ruby; Sanford; Schmidt; Steiner; Sukut; Trottier; Vigasaa; Wall; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Beadle; Bellew; Belter; Boe; Boehning; Carlson; Delzer; Devlin; Grande; Headland; Heller; Holman; Koppelman; Pollert; Rust; Schatz; Skarphol; Streyle; Thoreson; Weiler; Weisz; Wrangham

HB 1063 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1070:** A BILL for an Act to amend and reenact subdivision b of subsection 5 of section 57-51-15 of the North Dakota Century Code, relating to county infrastructure fund grants to school districts to offset oil and gas development impact; 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 22 YEAS, 72 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Conklin; Froseth; Grande; Hatlestad; Headland; Johnson, N.; Kaldor; Kelsh, S.; Kempenich; Maragos; Meyer, S.; Onstad; Rust; Schatz; Steiner; Streyle; Weiler; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Skarphol; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams

HB 1070 lost.

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### SECOND READING OF HOUSE BILL

**HB 1072:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction to remove the marriage penalty contained in the federal standard deduction for married persons filing jointly; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

HB 1072 passed.

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### SECOND READING OF HOUSE BILL

**HB 1086:** A BILL for an Act to amend and reenact section 15.1-19-13 of the North Dakota Century Code, relating to notifications regarding student use of alcohol or controlled substances.

### 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; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

HB 1086 passed.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1051, HB 1064, HB 1065, HB 1089, HB 1101, HB 1108, HB 1112.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1031.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3006.

**MOTION**

**REP. VIGESAA MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 13, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1030: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1030 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1032: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1040: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "2015" with "2013"

Page 2, line 4, replace "2015" with "2013"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1056: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1056 was placed on the Sixth order on the calendar.

Page 1, line 2, after "insurance" insert "; and to provide for application"

Page 2, after line 8, insert:

**"SECTION 2. APPLICATION.** An independent performance evaluation under section 1 of this Act may not be initiated until after December 31, 2013."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1079: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and subsection 1 of"

Page 1, line 2, remove "section 39-12-05.3"

Page 1, remove lines 19 through 24

Page 2, remove lines 1 through 14

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1102: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1102 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1104: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "A determination by the department that financial assurance is no"

Page 1, remove line 17

Page 1, line 18, remove "remediation the department requires for the property."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1107: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1107 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "hearings" with "proceedings"

Page 1, line 9, remove "hearing" means an administrative"

Page 1, line 9, after "proceeding" insert "" as defined"

Page 1, line 9, remove "that"

Page 2, line 6, replace "that" with ", not an adjudicative proceeding, which"

Page 3, line 31, remove "an adjudicative"

Page 3, line 31, overstrike "hearing" and insert immediately thereafter "an adjudicative proceeding"

Page 4, line 1, remove "an adjudicative"

Page 4, line 1, overstrike "hearing" and insert immediately thereafter "an adjudicative proceeding"

Page 4, line 3, remove "adjudicative"

Page 4, line 3, overstrike "hearing" and insert immediately thereafter "proceeding"

Page 4, line 4, remove the "an adjudicative"

Page 4, line 4, overstrike "hearing" and insert immediately thereafter "an adjudicative proceeding"

Page 4, line 5, remove "an"

Page 4, line 6, remove "adjudicative"

Page 4, line 6, overstrike "hearing" and insert immediately thereafter "an adjudicative proceeding"

Page 4, line 6, after "or" insert "and"

Page 4, line 6, remove the overstrike over "~~if the state engineer determines~~"

Page 4, line 6, after "hearing" insert "an adjudicative proceeding"

Page 4, line 6, remove the overstrike over "is"

Page 4, line 7, remove the overstrike over "~~necessary~~"

Page 4, line 8, remove the overstrike over the overstruck comma

Page 4, line 8, remove "adjudicative"

Page 4, line 9, overstrike the first "hearing" and insert immediately thereafter "adjudicative proceeding"

Page 4, line 9, overstrike the second "hearing" and insert immediately thereafter "adjudicative proceeding"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1124: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1124 was placed on the Eleventh order on the calendar.

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

Reps. Devlin, Anderson, Froseth, Kilichowski and Sens. Lyson, Heckaman introduced:

**HB 1312:** A BILL for an Act to amend and reenact section 11-11.1-02 of the North Dakota Century Code, relating to compensation of members of county job development authority boards of directors.

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

Reps. Guggisberg, Kreun, Streyle, Glassheim, S. Kelsh and Sen. Larsen introduced:

**HB 1313:** A BILL for an Act to create and enact a new section to chapter 40-01 of the North Dakota Century Code, relating to authorizing firefighters to solicit charitable contributions from motorists in cities.

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

Reps. Maragos, Glassheim and Sens. Andrist, Burckhard introduced:

**HB 1314:** A BILL for an Act to amend and reenact section 54-05.1-07 of the North Dakota Century Code, relating to a civil penalty for persons lobbying without registration with the secretary of state; and to provide a penalty.

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

Reps. Vigesaa, Devlin and Sens. Miller, Sitte, Uglem introduced:

**HB 1315:** A BILL for an Act to amend and reenact subsection 1 of section 50-22-04 of the North Dakota Century Code, relating to the filing of an annual report by a charitable organization.

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

Reps. Owens, Brandenburg, DeKrey and Sen. Schaible introduced:

**HB 1316:** A BILL for an Act to amend and reenact section 37-14-12 of the North Dakota Century Code, relating to the appeal of an application for relief or assistance provided under a department of veterans' affairs program.

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

Reps. D. Johnson, Hofstad, Mueller and Sens. Flakoll, Klein, Wanzek introduced:

**HB 1317:** A BILL for an Act to amend and reenact sections 4.1-47-16 and 4.1-47-28 of the North Dakota Century Code, relating to noxious weed control.

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

Reps. Pollert, Hofstad, Onstad and Sens. Klein, Lyson, Wanzek introduced:

**HB 1318:** A BILL for an Act to create and enact chapter 61-24.8 of the North Dakota Century Code, relating to creation of special assessment districts for water supply or irrigation districts by the Garrison Diversion Conservancy District.

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

Reps. Vigasaa, Ruby and Sen. G. Lee introduced:

**HB 1319:** A BILL for an Act to amend and reenact section 39-21-45 of the North Dakota Century Code, relating to air-conditioning equipment in motor vehicles; and to declare an emergency.

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

Reps. Klemin, Devlin, Porter and Sens. Dever, Uglem introduced:

**HB 1320:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to deductions from income for determining medical assistance eligibility.

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

Reps. Belter, D. Johnson and Sens. Flakoll, Wanzek introduced:

**HB 1321:** A BILL for an Act to amend and reenact sections 19-20.2-03, 19-20.2-07, 19-20.2-07.1, 19-20.2-08.4, 19-20.2-09, and 19-20.2-11 of the North Dakota Century Code, relating to anhydrous ammonia facility inspections.

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

Reps. Wrangham, S. Meyer, Damschen and Sens. Miller, Oehlke, Murphy introduced:

**HB 1322:** A BILL for an Act to amend and reenact sections 40-23-07 and 40-23.1-01 of the North Dakota Century Code, relating to prohibition of imposition of special assessments against agricultural property; and to provide an effective date.

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

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

**Buell J. Reich, Chief Clerk**