

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, February 24, 2011

The House convened at 8:30 a.m., with Speaker Drovdal presiding.

The prayer was offered by Chaplain Burnie Kunz, MedCenter One Health Systems, Bismarck.

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

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1012, HB 1013, Engrossed HB 1202, Engrossed HB 1293, and HB 1451.

HB 1012, HB 1013, Engrossed HB 1202, Engrossed HB 1293, and HB 1451, as amended, were placed on the top of the Eleventh order of business on today's calendar.

## SECOND READING OF HOUSE BILL

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to provide appropriations to the state treasurer for transportation funding distributions; to repeal section 2 of chapter 573 of the 2009 Session Laws, relating to highway-rail grade safety projects; to provide for transfers; to provide for a legislative management study; 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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** DeKrey; Skarphol; Weiler; Weisz

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1012 passed and the emergency clause was declared carried.

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## SECOND READING OF HOUSE BILL

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; to amend and reenact sections 15-01-02, 57-51-15, 57-62-03, 57-62-03.1, 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code, relating to the powers of the board of university and school lands, the duties of the commissioner of university and school lands, the apportionment of oil and gas gross production tax proceeds, the energy development impact office, and the duties of the

energy development impact director; 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 79 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; DeKrey; Delmore; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; 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; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Ruby; Sanford; Schatz; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Brabandt; Damschen; Delzer; Devlin; Dosch; Monson; Pollert; Porter; Rohr; Rust; Schmidt; Skarphol; Weiler; Williams

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1013 passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1202:** A BILL for an Act to provide an appropriation for an automated external defibrillator maintenance and readiness monitoring grant.

#### 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; Delmore; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; 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; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Dahl; DeKrey; Delzer; Glassheim; Kasper; Klein; Ruby; Thoreson; Wrangham

**ABSENT AND NOT VOTING:** Belter; Hawken

Reengrossed HB 1202 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1293:** A BILL for an Act to create and enact section 57-15-01.2 of the North Dakota Century Code, relating to property tax levy dollar increase limitations; 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 15 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Clark; Dosch; Kasper; Kempenich; Koppelman; Louser; Meier, L.; Nathe; Ruby; Streyle; Thoreson; Trottier; Weiler

**NAYS:** Amerman; Anderson; Beadle; Belter; Boe; Brabandt; Brandenburg; Carlson; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Hawken

Reengrossed HB 1293 lost.

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### SECOND READING OF HOUSE BILL

**HB 1451:** A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to deposit of oil and gas tax revenue; to amend and reenact sections 6-09.6-01.1, 6-09.6-01.2, 6-09.6-03, 15-08.1-08, 15-08.1-09, 57-51.1-07.3, and 61-33-07 of the North Dakota Century Code, relating to the lands and minerals trust fund and the oil and gas research fund; to repeal sections 57-51.1-07.2 and 57-51.1-07.4 of the North Dakota Century Code, relating to elimination of the permanent oil tax trust fund; to provide for a transfer; to provide an effective date; 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 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Meier, L.; Metcalf; Meyer, S.; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham

**NAYS:** Amerman; Glassheim; Gruchalla; Kaldor; Kelsh, J.; Kelsh, S.; Martinson; Mock; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1451 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide legislative intent; to provide for a legislative management study; to provide an appropriation; to provide a contingent appropriation; to authorize transfers; 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 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Bellew; Conklin; Devlin; Guggisberg; Hogan; Kelsh, S.; Kreun; Mock; Mueller; Ruby; Zaiser

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1014 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for a legislative management study; to provide for a report to the budget section; and to provide legislative intent.

### 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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; 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; 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; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Dosch; Streyle; Weiler

**ABSENT AND NOT VOTING:** Hawken; Koppelman

Engrossed HB 1015 passed.

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### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Boehning; Conklin; Hawken; Kempenich

Engrossed HB 1016 passed.

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

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to create and enact section 15-69-07, a new chapter to title 17, and a new section to chapter 54-60 of the North Dakota Century Code, relating to the centers of excellence program, biofuel blender pump incentive program, and the internship fund; to amend and reenact sections 10-30.5-02, 15-69-01, 15-69-04, and 15-69-05 of the North Dakota Century Code, relating to the North Dakota development fund, incorporated, and centers of excellence program; to repeal chapter 15-69 of the North Dakota Century Code, relating to the centers of excellence program; to provide a continuing appropriation; to provide exemptions; to provide for transfers; to provide an effective date; to provide an expiration date; 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 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsovog; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham

**NAYS:** Amerman; Beadle; Bellew; Dahl; Delmore; Glassheim; Gruchalla; Guggisberg; Heilman; Hogan; Holman; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Klein; Kreun; Kroeber; Meyer, S.; Mock; Owens; Rohr; Ruby; Sanford; Weiler; Winrich; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1018 passed and the emergency clause was declared carried.

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

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1019 passed.

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

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide for transfers; to provide an exemption; 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 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Belter; Boe; Brandenburg; Carlson; Clark; Conklin; Dahl; DeKrey; Delmore; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Pietsch; Pollert; Rust; Skarphol; Steiner; Streyle; Sukut; Wall; Weisz; Wieland; Williams; Winrich; Zaiser

**NAYS:** Beadle; Bellew; Boehning; Brabandt; Damschen; Delzer; Devlin; Dosch; Grande; Heller; Kasper; Louser; Meier, L.; Nathe; Owens; Paur; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Thoreson; Trottier; Vigesaa; Weiler; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1020 passed and the emergency clause was declared carried.

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

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide for various transfers; to provide legislative intent; and to amend and reenact section 7 of chapter 49 and section 8 of chapter 519 of the 2009 Session Laws, relating to statewide longitudinal data system expenditures and health information technology.

#### **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 73 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Paur; Pietsch; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Bellew; DeKrey; Delzer; Devlin; Dosch; Headland; Karls; Kelsch, R.; Koppelman;

Meier, L.; Nathe; Onstad; Owens; Pollert; Porter; Rohr; Streyle; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1021 passed.

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### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to amend and reenact sections 15.1-13-09 and 15.1-13-20 of the North Dakota Century Code, relating to the licensing of teachers from other states; and to repeal section 15.1-13-21 of the North Dakota Century Code, relating to reciprocal teaching licenses.

### 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, 0 NAYS, 0 EXCUSED, 3 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; Headland; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; 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

**ABSENT AND NOT VOTING:** Hawken; Hogan; Kelsh, J.

Engrossed HB 1270 passed.

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### SECOND READING OF HOUSE BILL

**HB 1368:** A BILL for an Act to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to repeal sections 54-03-19.1 and 54-03-19.2 of the North Dakota Century Code, relating to the legislative compensation commission; to provide an effective date; 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 60 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Belter; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Dosch; Frantsvog; Froseth; Gruchalla; Guggisberg; Hanson; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Kreidt; Kretschmar; Kreun; Maragos; Martinson; Metcalf; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Porter; Ruby; Rust; Sanford; Steiner; Thoreson; Wall; Weiler; Weisz; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Amerman; Beadle; Bellew; Boe; Brabandt; Delmore; Delzer; Devlin; Glassheim; Grande; Hatlestad; Hunskor; Klemin; Koppelman; Kroeber; Louser; Meier, L.; Meyer, S.; Mock; Mueller; Onstad; Paur; Pietsch; Pollert; Rohr; Schatz; Schmidt; Skarphol; Streyle; Sukut; Trottier; Vigasaa; Wieland

**ABSENT AND NOT VOTING:** Hawken

Reengrossed HB 1368 passed but the emergency clause failed.

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**SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR**

**HCR 3021:** A concurrent resolution urging the Citizen's Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners and their contributions to our nation.

**HCR 3022:** A concurrent resolution urging the Federal Communications Commission to make substantive changes to the National Broadband Plan so that the plan does not limit the future economic livelihood and social well-being of rural consumers.

**HCR 3025:** A concurrent resolution declaring March 10, 2011, as "Canada Day at the North Dakota Capitol".

**HCR 3026:** A concurrent resolution urging Congress to require renegotiation of United States Fish and Wildlife Service wetlands easements.

The question being on the final adoption of the resolutions, which have been read.

HCR 3021, HCR 3022, HCR 3025, and HCR 3026 were declared adopted on a voice vote.

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**SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR**

**HCR 3044:** A concurrent resolution directing the Legislative Management to study the election of at least one member of each legislative district to the Legislative Assembly each biennial election.

The question being on the final adoption of the resolution, which has been read.

HCR 3044 was declared lost on a voice vote.

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**REP. VIGESAA STATED:** Monday, January 17, 2011, was Martin Luther King Day and Monday, February 21, 2011, was President's Day, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on Martin Luther King Day and President's Day. The Legislative Assembly employees will be paid for those two days.

Employees of the House have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Friday, February 25, 2011, even though the House will be in recess on that day.

**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 1002, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1022, HB 1023, HB 1024, HB 1025, HB 1033, HB 1034, HB 1035, HB 1049, HB 1129, HB 1194, HB 1269, HB 1285, HB 1292, HB 1302, HB 1318, HB 1322, HB 1350, HB 1353, HB 1363, HB 1369, HB 1373, HB 1411, HB 1429, HB 1442, HB 1447, HB 1468, HCR 3040.

**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 1015, HB 1016, HB 1019, HB 1021, HB 1202, HB 1270, HB 1368, HCR 3021, HCR 3022, HCR 3025, HCR 3026.

**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 1001, HB 1003, HB 1459.

**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 1012, HB 1013, HB 1014, HB 1018, HB 1020, HB 1451.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2012, SB 2018, SB 2055, SB 2134, SB 2155, SB 2178, SB 2210, SB 2271, SB 2278, SB 2320, SB 2323, SB 2344, SB 2345, SB 2355.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2014, SB 2042, SB 2043, SB 2048, SB 2057, SB 2108, SB 2132, SB 2163, SB 2302, SB 2362, SCR 4018, SCR 4021, SCR 4024.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2015, SB 2325.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2009, SB 2016, SB 2047.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2017, SB 2020, SB 2056.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 2, 2011, which motion prevailed.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Rep. Mock and Sen. Grindberg introduced:

**HCR 3045:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires.

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

**FIRST READING OF SENATE BILLS**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to provide an appropriation to the legislative council; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans credit; to provide for a transfer; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; and to provide an exemption.

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

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide for the distribution of funding for regional education association grants, alternative education program grants, gifted and talented programs and other grants; to provide a contingent appropriation; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to repeal section 15.1-13-33 of the North Dakota Century Code, relating to the national board certification fund; to provide an exemption; to provide for a transfer; to amend and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws, relating to funds appropriated for transportation and state school aid; and to declare an

emergency.

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

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide for a transfer; and to declare an emergency.

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

**SB 2120:** A BILL for an Act to create and enact sixteen new sections to chapter 16.1-07 of the North Dakota Century Code, relating to the adoption of the Uniform Military and Overseas Voters Act; to amend and reenact sections 16.1-07-01 and 16.1-07-05 of the North Dakota Century Code, relating to absentee voting; and to repeal sections 16.1-07-03 and 16.1-07-08.1 of the North Dakota Century Code, relating to absent voter ballots.

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

**SB 2137:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales by thrift stores owned and operated by nonprofit corporations; and to provide an effective date.

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

**SB 2159:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases made by a contractor, subcontractor, or builder on behalf of a nonprofit hospital; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to a use tax exemption for untaxed materials used by a contractor under contract with a nonprofit hospital; and to provide an effective date.

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

**SB 2171:** A BILL for an Act to amend and reenact section 57-39.2-04.7 of the North Dakota Century Code, relating to sales and use tax exemption for equipment used in telecommunications infrastructure development; to provide an effective date; and to provide an expiration date.

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

**SB 2172:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; and to provide an effective date.

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

**SB 2187:** A BILL for an Act to amend and reenact sections 43-23.3-02, 43-23.3-03, and 43-23.3-04.1 of the North Dakota Century Code, relating to the North Dakota real estate appraiser qualifications and ethics board and appraiser permit approval standards; and to provide for application.

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

**SB 2188:** A BILL for an Act to amend and reenact sections 39-05-02.2 and 39-05-03 of the North Dakota Century Code, relating to exclusions from the certificate of title requirement for vehicles regularly engaged in interstate transportation of persons or property.

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

**SB 2204:** A BILL for an Act to prohibit state funding of the northern plains national heritage area.

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

**SB 2211:** A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to exemptions to veterans' preference and public employees.

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

**SB 2222:** A BILL for an Act relating to the development of crop insurance proposals; and to provide an appropriation.

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

**SB 2234:** A BILL for an Act to provide for a legislative management study relating to mechanisms for improving coordination and consultation regarding federal designation over land or water resources in North Dakota.

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

**SB 2236:** A BILL for an Act to create and enact section 51-07-00.1 and 51-07-02.4 of the North Dakota Century Code, relating to definitions and warranty or incentive audits for new motor vehicle dealers; to amend and reenact section 51-07-02.3 of the North Dakota Century Code, relating to prohibited acts for manufacturers, wholesalers, or distributors of new automobiles and automobile parts; to provide for application; and to declare an emergency.

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

**SB 2238:** A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05 and sections 40-05.1-06, 57-39.2-12.1, 57-39.5-04, 57-39.6-04, and 57-40.2-07.1 of the North Dakota Century Code, relating to compensation allowable to retailers for expenses associated with the collection, reporting, and remittance of state and local option sales, use, and gross receipts taxes; and to provide an effective date.

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

**SB 2242:** A BILL for an Act to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26.2 of the North Dakota Century Code, relating to a matching grant from the senior citizen services and programs fund to counties and the mill levy for senior citizen services and programs; and to provide an effective date.

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

**SB 2248:** A BILL for an Act to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to the angel fund investment tax credit; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

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

**SB 2254:** A BILL for an Act to amend and reenact sections 4-22-21, 15.1-09-13, 16.1-01-01, 16.1-02-03, 16.1-02-04, 16.1-02-09, 16.1-02-10, 16.1-02-12, 16.1-02-13, 16.1-02-15, and 16.1-03-11, subsection 1 of section 16.1-06-15, sections 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-07-11, 16.1-07-12, and 16.1-07-12.1, subsection 1 of section 16.1-09-03, sections 16.1-10-03, 16.1-11-05, 16.1-11-20, 16.1-11-22, 16.1-11.1-03, and 16.1-11.1-06, subsection 1 of section 16.1-11.1-07, subsection 1 of section 16.1-12-04, and sections 16.1-13-03, 16.1-15-04, 16.1-15-08, 16.1-15-21, 16.1-15-22, 16.1-15-25, 16.1-15-26, 16.1-15-27, 16.1-15-33, 16.1-15-37, 16.1-15-39, 16.1-15-40, 16.1-15-41, 16.1-15-44, 16.1-15-48, and 61-04.1-30 of the North Dakota Century Code, relating to election administration.

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

**SB 2255:** A BILL for an Act to create and enact sections 39-22.1-01.1, 39-22.1-05, and 39-22.1-06 of the North Dakota Century Code, relating to the licensure of trailer dealers; and to amend and reenact sections 39-22-19, 39-22.1-01, 39-22.1-02, 39-22.1-03, and 39-22.1-04 of the North Dakota Century Code, relating to insurance for motor vehicle dealers and requirements for the licensing of trailer dealers; to provide a penalty; to provide an effective date; and to declare an emergency.

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

**SB 2267:** A BILL for an Act to provide an appropriation to the parks and recreation department for providing a grant to the International Peace Garden.

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

**SB 2275:** A BILL for an Act to provide an appropriation to the office of management and budget for community service supervision grants.

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

**SB 2279:** A BILL for an Act to amend and reenact sections 37-19.1-01, 37-19.1-02,

37-19.1-03, and 37-19.1-04 of the North Dakota Century Code, relating to veterans' preference.

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

**SB 2298:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the establishment of early childhood services inclusion support services and a grant program for licensed early childhood services providers who care for children with special needs; to provide a continuing appropriation; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

**SB 2342:** A BILL for an Act to create and enact a new subdivision to subsection 5 of section 4-01-23 and a new subsection to section 6-09.13-03 of the North Dakota Century Code, relating to eligible uses of the agriculture partnership in assisting community expansion fund; to amend and reenact subsection 3 of section 6-09.13-01 of the North Dakota Century Code, relating to eligible uses for the agriculture partnership in assisting community expansion fund; and to provide for a legislative management study.

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

**SB 2365:** A BILL for an Act to provide for a legislative management study of the laws relating to the humane treatment of animals.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4001:** A concurrent resolution directing the Legislative Management to study the imposition of fees by courts at sentencing and other fees that are imposed upon offenders.

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

**SCR 4002:** A concurrent resolution urging Congress to provide a legal process to return to the riparian landowner land controlled by the Army Corps of Engineers which is not necessary for authorized purposes.

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

**SCR 4003:** A concurrent resolution supporting the Northern Tier Network Technology Initiative and the related activities of the Legislative Management's Information Technology Committee.

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

**SCR 4005:** A concurrent resolution directing the Legislative Management to study the impact of the Patient Protection and Affordable Care Act on the Comprehensive Health Association of North Dakota and the statutes governing the Comprehensive Health Association of North Dakota.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4006:** A concurrent resolution for the repeal of section 6 of article X of the Constitution of North Dakota, relating to elimination of the authority for the legislative assembly to levy an annual poll tax.

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

**SCR 4007:** A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

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

**SCR 4008:** A concurrent resolution urging the United States Environmental Protection Agency to request an additional 12-month stay of mandate for implementation of the Sixth Circuit Court of Appeals ruling in the matter of National Cotton Council of America et al., v. United States Environmental Protection Agency.

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

**SCR 4010:** A concurrent resolution directing the Legislative Management to study the adequacy of governmental services, including judicial services, to respond to issues

relating to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services.

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

**SCR 4011:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of creating a 25-year sustainability vision plan for state facilities with the intent to lower our energy usage, energy costs, and improve the environment.

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

**SCR 4012:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4013:** A concurrent resolution urging Congress to adopt a federal balanced budget amendment.

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

**SCR 4014:** A concurrent resolution urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; and for other purposes.

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

**SCR 4015:** A concurrent resolution urging Congress and the President to pursue peace in Iraq and Afghanistan and disengage American combat forces from duty in these countries.

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

**SCR 4016:** A concurrent resolution expressing support for the public awareness of multiple sclerosis; declaring the week of March 14-20, 2011, "MS Awareness Week"; and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4017:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of allowing school officials, including officials of higher education institutions, access to the otherwise confidential files and records of the juvenile court.

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

**SCR 4019:** A concurrent resolution recognizing the benefits of subsurface drain tile projects and urging the State Water Commission, State Engineer, Natural Resources Conservation Service, and water resource districts to recognize the beneficial attributes of and to promote drain tile projects in this state.

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

**SCR 4020:** A concurrent resolution directing the Legislative Management to study the causes of increases in Department of Human Services caseloads and program utilization and the impact of federal health care reform.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4022:** A concurrent resolution urging Congress to sell federal land to long-term lessees of the land in this state.

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

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

**Buell J. Reich, Chief Clerk**

