

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, January 29, 2021

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

The prayer was offered by Pastor Jake DeBoer, Dawson/Steele Lutheran Church.

The roll was called and all members were present except Representatives Boschee, Buffalo, and M. Johnson.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 369, after line 22, insert:

"The bill will be HB 1501."

Page 390, after line 40, insert:

"Reps. K. Koppelman, Pollert introduced:

**HCR 3029:** A concurrent resolution urging federal authorities to observe and respect the principles of federalism and limits on federal power prescribed by the Constitution of the United States.

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

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

## MOTION

**REP. LOUSER MOVED** that HB 1260, which is on the Sixth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, HB 1260 was rereferred.

## MOTION

**REP. LOUSER MOVED** that HB 1199 and HB 1136 be moved to the top of the Eleventh order, which motion prevailed on a voice vote.

## SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to HB 1168, HB 1277, HB 1286, HB 1334, and HB 1405.

HB 1405, as amended, was rereferred to the **Appropriations Committee.**

HB 1168, HB 1277, HB 1286, and HB 1334, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1199:** A BILL for an Act to amend and reenact section 57-28-20 of the North Dakota Century Code, relating to the disposition of proceeds from tax lien foreclosures.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

Engrossed HB 1199 passed.

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### SECOND READING OF HOUSE BILL

**HB 1136:** A BILL for an Act to amend and reenact section 57-28-20 of the North Dakota Century Code, relating to the disposition of proceeds from tax lien foreclosures.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Christensen; Ertelt; Kiefert

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

HB 1136 failed.

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### SECOND READING OF HOUSE BILL

**HB 1148:** A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to electric bicycle regulations, manufacturing, and operations; to amend and reenact sections 39-01-01, 39-05-02.2, and 39-10.1-08, subsection 5 of section 39-16-01, subsection 2 of section 39-29-01, and subsection 2 of section 57-40.3-01 of the North Dakota Century Code, relating to the requirements for electric bicycles distributed, manufactured, and operated in the state; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall;

Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Koppelman, K.

**NAYS:** Ertelt

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

HB 1148 passed.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3004:** A concurrent resolution urging the Department of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 61 YEAS, 28 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker; Bellew; Boe; Bosch; Brandenburg; Christensen; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Jones; Kading; Kasper; Keiser; Kiefert; Koppelman, B.; Kreidt; Lefor; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nelson, J.; Paulson; Paur; Pollert; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, P.; Beltz; Cory; Dobervich; Guggisberg; Hager; Hagert; Hanson; Ista; Karls; Klemin; Longmuir; Mitskog; Mock; Nathe; Nehring; Nelson, M.; O'Brien; Ostlie; Owens; Porter; Pyle; Roers Jones; Schauer; Schneider; Weisz; Westlind

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

HCR 3004 was declared adopted on a recorded roll call vote.

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### SECOND READING OF HOUSE BILL

**HB 1121:** A BILL for an Act to amend and reenact sections 14-05-24 and 14-05-27 and subsection 3 of section 29-15-21 of the North Dakota Century Code, relating to division of marital property debts; and to provide for application.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 49 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Bellew; Bosch; Brandenburg; Christensen; Damschen; Dockter; Ertelt; Fisher; Hatlestad; Headland; Hoverson; Howe; Johnson, D.; Kading; Kasper; Koppelman, B.; Kreidt; Lefor; Marschall; Monson; Nathe; Nehring; O'Brien; Ostlie; Paulson; Porter; Pyle; Ruby, D.; Sanford; Schatz; Schauer; Schmidt; Skroch; Thomas; Toman; Trottier; Westlind; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, P.; Becker; Beltz; Boe; Cory; Delzer; Devlin; Dobervich; Fegley; Guggisberg; Hager; Hagert; Hanson; Heinert; Ista; Jones; Karls; Keiser; Klemin; Longmuir; Louser; Magrum; Martinson; Meier; Mitskog; Mock; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Richter; Roers Jones; Rohr; Ruby, M.; Satrom; Schneider; Schobinger; Schreiber-Beck; Simons; Steiner; Stemen; Strinden; Tveit; Vetter; Vigesaa; Weisz

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Kiefert; Zubke

Engrossed HB 1121 failed.

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### SECOND READING OF HOUSE BILL

**HB 1291:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reassessment of property sold for less than its most recently assessed true and full value; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 65 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Ertelt; Fegley; Hoverson; Kading; Koppelman, B.; Louser; Marschall; Meier; Owens; Paulson; Paur; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Simons; Skroch; Toman; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Karls; Kasper; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Magrum; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vigasaa; Weisz; Westlind

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Christensen; Johnson, M.; Kempenich; Zubke

HB 1291 failed.

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### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to stopping and yielding while operating a bicycle; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 21 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Bosch; Brandenburg; Cory; Damschen; Devlin; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Trottier; Vetter; Vigasaa; Weisz

**NAYS:** Becker; Beltz; Boe; Christensen; Delzer; Ertelt; Fegley; Hagert; Hoverson; Koppelman, B.; Meier; Owens; Paulson; Paur; Schatz; Simons; Thomas; Toman; Tveit; Westlind; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

Engrossed HB 1252 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1157:** A BILL for an Act to create and enact section 57-15-19.7 of the North Dakota Century Code, relating to township excess levies for emergency purposes; and to amend and reenact section 57-15-20.2 of the North Dakota Century Code, relating to exceptions to tax levy limitations in townships; 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 73 YEAS, 16 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind

**NAYS:** Becker; Bellew; Christensen; Ertelt; Hoverson; Kasper; Koppelman, B.; Magrum; Marshall; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Toman; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boschee; Buffalo; Johnson, M.; Kempenich; Zubke

Engrossed HB 1157 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 1158, HB 1167, HB 1170, HB 1290, HB 1310, HB 1325.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2041, SB 2147, SB 2159, SB 2181, SB 2210, SB 2243, SB 2246, SB 2248, SB 2259, SB 2264.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2165.

**MOTION**

**REP. LOUSER MOVED** that the absent members be excused, which motion prevailed on a voice vote.

**MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, February 1, 2021, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**HB 1097: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1097 was placed on the Sixth order on the calendar.

Page 1, line 8, after the period insert "The director may seek and accept any gift, private grant, trust, bequest of money, or donation of funds to the gift fund for the purpose of furthering the objectives of the parks and recreation department."

Page 1, line 8, after the first comma insert "private grants."

Page 1, line 8, overstrike the second "and"

Page 1, line 10, after "authority" insert ", or donation of funds."

Page 1, line 11, overstrike "hereby"

Page 1, line 13, after "director" insert ", except any expenditure in excess of fifty thousand dollars from funds the donor has not designated or conditioned the use of for a specific purpose is subject to approval by the emergency commission and the legislative assembly or the budget section if the legislative assembly is not in session. Any request considered by the budget section must comply with section 54-35-02.9. The department shall notify the office of management and budget biennially regarding the current amount of moneys in the fund and any expenditures from the fund in the past biennium"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1098: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1098 was placed on the Sixth order on the calendar.

Page 3, line 16, remove the overstrike over "is"

Page 3, line 16, remove "when received by the director are"

Page 3, line 19, replace "entities" with "a public entity"

Page 3, line 20, after "transportation" insert "and a law enforcement agency that contracts with service providers"

Page 4, line 2, overstrike "or"

Page 4, line 3, after "crash" insert ", the agent of the insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or crash involving a party to the crash."

Page 5, line 8, remove "The department may disclose exempt information referred to in subsection 4 of section"

Page 5, remove lines 9 through 16

Page 5, line 17, remove "5."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1156: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1197: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 26 of section 4.1-40-01,"

Page 1, remove lines 6 through 10

Page 2, line 1, remove "The purpose for which non-nutritive soil or plant additives are recommended or"

Page 2, line 2, replace "guaranteed as effective" with "For soil or plant amendments, the purpose for which the product is used"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1202: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1202 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1229: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1329 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1338: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the first "and"

Page 1, line 5, after "pesticide" insert "; and to declare an emergency"

Page 5, after line 7, insert:

**"SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1399: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1481: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1481 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1482: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, remove "and 39-04-10.6"

Page 1, line 2, remove "and collector's motor vehicles"

Page 2, remove lines 1 through 28

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**