

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, March 4, 1997

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

The prayer was offered by Father Hugo Blotsky, Christ the King Catholic Church, Mandan.

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

A quorum was declared by the Speaker.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SCR 4010 and the President has appointed as a conference committee to act with a like committee from the House on:

**SCR 4010:** Sens. Grindberg; Cook; O'Connell

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1082.

**HOUSE ENGROSSING REPORT**

The following resolution was engrossed: HCR 3043.

**HOUSE ENROLLING REPORT**

The following bills and resolution were enrolled: HB 1102, HB 1144, HB 1247, HB 1250, HB 1272, HB 1282, HB 1284, HB 1328, HB 1366, and HCR 3014.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HCR 3013, HCR 3021, HCR 3022, Engrossed SB 2070, Engrossed SB 2091, Engrossed SB 2112, Engrossed SB 2213, and SB 2279 be adopted, which motion prevailed.

HCR 3013, HCR 3021, and HCR 3022, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

Engrossed SB 2070, Engrossed SB 2091, Engrossed SB 2112, Engrossed SB 2213 and SB 2279, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3043:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing hail suppression programs for the reduction of property damage in urban and rural areas and funding the programs through property and casualty line insurance premium taxes.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glasheim

Engrossed HCR 3043, as amended, was declared adopted on a roll call vote.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3023:** A concurrent resolution for the amendment of section 2 of article IV of the Constitution of North Dakota, relating to the election of representatives; and to provide an effective date.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 81 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brusegaard; Clark; Fairfield; Gulleson; Jensen; Kelsh, S.; Kretschmar; Murphy; Nelson; Nichols; Oban; Rose; Thoreson; Tollefson; Warner

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thorpe; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim

HCR 3023 was declared lost.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3024:** A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education and the control and administration of the state's educational institutions; and to provide an effective date.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 78 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brown; Byerly; Callahan; Christenson; Coats; DeKrey; Gulleson; Hanson; Kerzman; Mahoney; Niemeier; Oban; Rose; Sandvig; Schmidt; Skarphol; Weisz

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Delmore; Glassheim

HCR 3024 was declared lost.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3025:** A concurrent resolution urging Congress to take steps to devolve the unemployment compensation program back to the states.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3025 was declared adopted on a verification vote as requested by the Speaker.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3053:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing nursing services in the public schools of this state.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Coats; Delmore; Fairfield; Grumbo; Gulleeson; Hanson; Hawken; Henegar; Jensen; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Kretschmar; Mahoney; Maragos; Nichols; Niemeier; Oban; Poolman; Rose; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thorpe; Warner; Wentz; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kempenich; Kilzer; Klein; Koppelman; Kroepelin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim

HCR 3053 was declared lost.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**HCR 3016:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a permanent trust fund.

**HCR 3040:** A concurrent resolution directing the Legislative Council to study the truancy laws of this state and whether there are sufficient options and alternatives available to schools and school districts that have high incidences of truancy.

**HCR 3047:** A concurrent resolution directing the Legislative Council to study the current standards for the accreditation of elementary and secondary schools in this state, the method by which accreditation standards are adopted, the fiscal impact of accreditation standards, and the feasibility and desirability of waiving standards if student performance levels exceed a designated score.

#### ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Axtman

**ABSENT AND NOT VOTING:** Glassheim

HCR 3016, HCR 3040, and HCR 3047 were declared adopted on a recorded roll call vote.

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### SECOND READING OF SENATE BILL

**SB 2103:** A BILL for an Act to amend and reenact section 27-11-06 of the North Dakota Century Code, relating to the membership of the state bar board.

### 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, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Hausauer

SB 2103 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2107:** A BILL for an Act to repeal section 38-08-06.1 of the North Dakota Century Code, relating to the industrial commission's responsibilities pursuant to the Natural Gas Policy Act of 1978.

### 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, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Hausauer

SB 2107 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2111:** A BILL for an Act to amend and reenact sections 54-17-24, 54-17-25, and 54-17-26 of the North Dakota Century Code, relating to the student loan trust and to the refunding and sale of bonds issued by the industrial commission.

### 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, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Hausauer; Wald

SB 2111 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2126:** A BILL for an Act to amend and reenact sections 39-18-01 and 39-22.1-01 of the North Dakota Century Code, relating to mobile home and trailer dealer 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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Grosz; Wald

SB 2126 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that Engrossed SB 2143 be placed at the foot of the calendar, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2201:** A BILL for an Act to amend and reenact sections 44-06-03 and 44-06-03.1 of the North Dakota Century Code, relating to bonds of notaries public.

### 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 68 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boucher; Brown; Callahan; Carlisle; Carlson; Christenson; Clark; Coats; Dalrymple; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Koppelman; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nicholas; Nottestad; Oban; Olson; Price; Renner; Rose; Sabby; Sandvig; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Wentz; Speaker Timm

**NAYS:** Aarsvold; Boehm; Brandenburg; Brusegaard; Byerly; Christopherson; DeKrey; Delmore; Delzer; Devlin; Grumbo; Gulleston; Keiser; Kerzman; Kliniske; Kretschmar;

Maragos; Murphy; Nelson; Nichols; Niemeier; Poolman; Rennerfeldt; Schmidt; Stenehjem; Wald; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Glassheim

SB 2201 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2212:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted motor vehicle operators' licenses.

#### 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 92 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** DeKrey; Keiser; Kilzer; Weisz

**ABSENT AND NOT VOTING:** Glassheim

SB 2212 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2245:** A BILL for an Act to amend and reenact section 39-05-19 of the North Dakota Century Code, relating to obtaining motor vehicle certificates of title.

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim

SB 2245 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2277:** A BILL for an Act to amend and reenact section 19-10-19 of the North Dakota Century Code, relating to inspection fees for petroleum products.

**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 87 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Callahan; Delmore; Gulleson; Keiser; Kerzman; Murphy; Niemeier; Wilkie

**ABSENT AND NOT VOTING:** Glassheim

SB 2277 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2316:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to the convening of a special session of the legislative assembly to consider vetoed legislation; and to declare an emergency.

**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 81 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Fairfield; Freier; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Brandenburg; Devlin; Drovdal; Froseth; Gulleson; Jacobs; Johnsen, C.; Keiser; Nichols; Niemeier; Oban; Sveen; Thorpe; Wilkie

**ABSENT AND NOT VOTING:** Glassheim

Engrossed SB 2316 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to amend and reenact section 39-04-10.6 of the North Dakota Century Code, relating to collector license plates.

**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, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman;

Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Gulleeson

Engrossed SB 2337 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2038:** A BILL for an Act to repeal chapter 60-07 of the North Dakota Century Code, relating to the licensing of storage companies as public warehouses.

### 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, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Gulleeson; Wentz

SB 2038 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees collected by the public service commission for testing or calibrating weighing and measuring devices.

### 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 92 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Delzer; Weisz

**ABSENT AND NOT VOTING:** Glassheim; Gulleeson

Engrossed SB 2039 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2123:** A BILL for an Act to amend and reenact sections 27-23-01, 27-23-02, 27-23-03, 27-23-06, 27-23-08, and 27-23-09 of the North Dakota Century Code, relating to the creation, composition, duties, and operation of the judicial conduct commission; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gernholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Glassheim; Gulleeson

SB 2123 passed and the title was agreed to.

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**HOUSE ENGROSSING REPORT**

The following resolutions were engrossed: HCR 3013, HCR 3021, and HCR 3022.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 5, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2073: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2073 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2110: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2125, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2129: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2146: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2169: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2169 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2179: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2179 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2191, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2191 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2196: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2196 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2280: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2280 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2286, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2286 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2307: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2307 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2336, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4003: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4003 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4021: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SCR 4021 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4029, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4029 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4036: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4036 was placed on the Tenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4026:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a statewide domestic violence task force to address domestic violence prevention issues and adopt a statewide domestic violence prevention strategy.

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

**SCR 4042:** A concurrent resolution directing the Legislative Council to study the use of "abuse," and "neglect," and "exploitation" in the North Dakota Century Code.

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

**SCR 4043:** A concurrent resolution directing the Legislative Council to study the issue of insurance brokers acting as consultants and the public policy of prohibiting insurance consultants from collecting commissions, consulting fees, and policy fees.

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

**SCR 4044:** A concurrent resolution directing the Legislative Council to study ways of improving the filing of agricultural liens so losses resulting from incomplete or inaccurate information can be reduced.

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

**SCR 4052:** A concurrent resolution directing the Legislative Council to study occupational and professional licensing entities with an emphasis on methods to privatize licensing entities.

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

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has failed to pass: SB 2082.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3036, HCR 3044, HCR 3046, HCR 3049, HCR 3052.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2195.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164, SCR 4004, SCR 4009, SCR 4017, SCR 4023.

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

**MR. SPEAKER:** The President has signed: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 2:40 p.m., March 4, 1997: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:40 p.m., March 4, 1997: HCR 3008.

#### **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 4026, SCR 4042, SCR 4043, SCR 4044, SCR 4052.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, HB 1281.

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: HB 1102, HB 1144, HB 1247, HB 1250, HB 1272, HB 1282, HB 1284, HB 1328, HB 1366, HCR 3014.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1102, HB 1144, HB 1247, HB 1250, HB 1272, HB 1282, HB 1284, HB 1328, HB 1366, HCR 3014.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed: SB 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

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

**ROY GILBREATH, Chief Clerk**