

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, January 29, 2009

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

The prayer was offered by Pastor Doug Wyatt, First Nazarene Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HB 1194, HB 1229, HB 1308, and HB 1394.

HB 1394, as amended, was rereferred to the **Appropriations Committee**.

HB 1194, HB 1229, and HB 1308, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. DEKREY MOVED that HB 1535 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. GRIFFIN REQUESTED the unanimous consent of the House to withdraw HB 1535. There being no objection, it was so ordered by the Speaker.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1135, which is on the Eleventh order, be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1135 was rereferred.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to point reduction for safety belt use.

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 56 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsovog; Froelich; Froseth; Glassheim; Griffin; Hatlestad; Headland; Hofstad; Hunskor; Johnson, D.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mock; Nelson; Onstad; Pinkerton; Ruby; Rust; Schatz; Schneider; Thoreson; Thorpe; Vig; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Brandenburg; Carlson; Damschen; Drovdal; Grande; Gruchalla; Hanson; Hawken; Heller; Holman; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Kreidt; Martinson; Mueller; Myxter; Nathe; Nottestad; Pietsch; Pollert; Porter; Potter; Schmidt; Skarphol; Sukut; Svedjan; Uglem; Vigesaa; Wald; Wall; Weiler; Wrangham

HB 1182 passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that HB 1208 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact two new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 and a new section to chapter 39-08 of the North Dakota Century Code, relating to the use of a wireless communications device and demerit points; to amend and reenact subsection 2 of section 39-06.1-06 and section 39-06.1-09 North Dakota Century Code, relating to fees for a moving violation; 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 NOT PASS, the roll was called and there were 34 YEAS, 60 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Boucher; Clark; Conrad; Damschen; Delmore; Ekstrom; Frantsvog; Glassheim; Gruchalla; Hanson; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Kretschmar; Kroeber; Martinson; Metcalf; Nottestad; Pinkerton; Potter; Skarphol; Thorpe; Vigesaa; Wald; Williams; Winrich

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Conklin; Dahl; DeKrey; Delzer; Dosch; Drovdal; Froelich; Froseth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kilichowski; Koppelman; Kreidt; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Uglem; Vig; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Monson

HB 1208 lost.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to exploitation of wildlife; to amend and reenact section 20.1-01-26 of the North Dakota Century Code, relating to suspension of hunting, trapping, or fishing privileges; 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 92 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Froelich; Meyer, S.

HB 1188 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact subsection 3 of section 12.1-22-03, section 20.1-01-17, subdivision g of subsection 5 of section 39-24-09, and subdivision g of subsection 5 of section 39-29-09 of the North Dakota Century Code, relating to posting land and the operation of snowmobiles and off-highway vehicles.

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 25 YEAS, 69 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Boe; Boucher; Clark; Conrad; Delmore; Ekstrom; Glassheim; Gruchalla; Hanson; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Koppelman; Kretschmar; Kroeber; Metcalf; Mueller; Myxter; Onstad; Pinkerton; Wall; Winrich; Wolf

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froelich; Froseth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Martinson; Meier, L.; Meyer, S.; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Monson

HB 1211 lost.

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 1117.

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 1070, HB 1113, HB 1118, HB 1124, HB 1163, HB 1173, HB 1178.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2116, SB 2192.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2041, SB 2067, SB 2085, SB 2089, SB 2090, SB 2142, SB 2325, SCR 4006.

MOTION

REP. VIGESAA MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 30, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1040: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a procedure for missing person investigations."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Missing person reports.

1. A report of a missing person may be made to any law enforcement agency in the state. The law enforcement agency may not refuse to accept a missing person report solely on the basis that:
 - a. The missing person is an adult;
 - b. The circumstances do not indicate foul play;
 - c. The person has been missing for a short period of time;
 - d. The person has been missing for a long period of time; or
 - e. There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance.

2. Notwithstanding subsection 1, if, upon receiving sufficient information from the person making the report, the law enforcement agency that receives the initial report of a missing person determines that a law enforcement agency in another jurisdiction is clearly the more appropriate law enforcement agency to receive the missing person report, the law enforcement agency that receives the initial report may refer the missing person report to the more appropriate law enforcement agency. The responsibility for the missing person report remains with the law enforcement agency that receives the initial missing person report until the law enforcement agency in the other jurisdiction confirms, in writing, its acceptance of responsibility for the missing person report. If the law enforcement agency to which the missing person report is referred is located within this state, that law enforcement agency shall accept or decline the responsibility for the referred missing person report within twenty-four hours after receiving the request from the initial law enforcement agency. The law enforcement agency to which the report is referred may not decline acceptance of responsibility for the missing person report without good cause shown and may not decline acceptance of responsibility for the report solely on the basis of the factors listed in subsection 1.
3. The law enforcement agency shall accept a missing person report in person. A law enforcement agency also may accept reports by telephone or by electronic or other media to the extent that the reporting is consistent with law enforcement policies or practices.

SECTION 2. Notification and other action.

1. When possible, the law enforcement agency shall inform the person making the report, a family member of the missing person, or other person who may be in a position to assist the law enforcement agency regarding the agency's efforts to locate the missing person about general information regarding the handling of the missing person case or information regarding intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect the agency's ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance.
2. All DNA samples obtained in missing person cases must be forwarded immediately to the state crime laboratory to perform a DNA analysis. The state crime laboratory shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.
3. The law enforcement agency shall submit relevant information to the federal bureau of investigation's violent criminal apprehension program as soon as is practicable.

SECTION 3. Prompt determination of high-risk missing person - Law enforcement agency reports.

1. A high-risk missing person is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death.
2. Upon the determination by the law enforcement agency that the missing person is a high-risk missing person, the law enforcement agency shall notify the bureau of criminal investigation. The law enforcement agency shall provide to the bureau of criminal investigation the information most likely to aid in the location and safe return of the high-risk missing person.
3. The responding local law enforcement agency immediately shall enter all collected information relating to the missing person case in available state and federal databases. If the responding local law enforcement agency does not have the capability to enter this data directly in the state and federal databases, the bureau of criminal investigation shall enter all collected information relating to the missing person case in available state and federal databases. The information shall be provided in accordance with applicable guidelines relating to the databases.

4. The bureau of criminal investigation shall ensure that the person entering data relating to medical or dental records in state or federal databases is specifically trained to understand and correctly enter the information sought by these databases.

SECTION 4. Reporting of unidentified persons and human remains. The bureau of criminal investigation shall provide information to local law enforcement agencies about best practices for handling death scene investigations. The bureau of criminal investigation shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

SECTION 5. Unidentified person or human remains identification responsibilities.

1. If the official with custody of the human remains is not a coroner or medical examiner, the official promptly shall transfer the unidentified remains to the coroner or medical examiner to examine human remains for the purpose of identification of the human remains.
2. A coroner or medical examiner or any other person may not dispose of or engage in actions that will materially affect the unidentified human remains before the coroner or medical examiner:
 - a. Obtains samples suitable for DNA identification and archiving;
 - b. Obtains photographs of the unidentified person or human remains;
and
 - c. Exhausts all other appropriate steps for identification.

SECTION 6. Attorney general to develop missing person procedural policy. To provide guidance to law enforcement agencies in the state, the attorney general shall develop a procedures manual, consistent with this Act, relating to the investigation of missing person cases. Upon request, the attorney general shall distribute the manual to law enforcement agencies."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1081: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1237: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1237 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "establishing" with ", approved by the attorney general, which establishes"

Page 1, line 15, after "qualifications" insert "and training"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1250: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1251: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1251 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE REREFERRED to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 9, after "purposes" insert "under Internal Revenue Code provisions in effect on December 31, 2008"

Page 1, line 12, after "gain" insert "or qualified dividend"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1272: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 1, after "12.1-20-02" insert ", 12.1-20-03,"

Page 1, line 7, replace "the use by the actor of words or circumstances that cause the" with "to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance."

Page 1, remove lines 8 through 10

Page 2, after line 2, insert:

"SECTION 2. AMENDMENT. Section 12.1-20-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-20-03. Gross sexual imposition - Penalty.

1. A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
 - a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
 - b. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance;
 - c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;
 - d. The victim is less than fifteen years old; or
 - e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
 - a. The victim is less than fifteen years old;
 - b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
 - c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.

3. a. An offense under this section is a class AA felony if in the course of the offense the actor inflicts serious bodily injury upon the victim, if the actor's conduct violates subdivision a of subsection 1, or if the actor's conduct violates subdivision d of subsection 1 and the actor was at least twenty-two years of age at the time of the offense. For any conviction of a class AA felony under subdivision a of subsection 1, the court shall impose a minimum sentence of twenty years' imprisonment, with probation supervision to follow the incarceration. The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice as defined in section 39-01-01 and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted of a class AA felony under this section may not be sentenced to serve less than five years of incarceration.
- b. Otherwise the offense is a class A felony.
4. If, as a result of injuries sustained during the course of an offense under this section, the victim dies, the offense is a class AA felony, for which the maximum penalty of life imprisonment without parole must be imposed."

Page 2, line 6, remove "1."

Page 2, line 9, remove the overstrike over "~~4.~~", remove "a.", and after "threat" insert "or coercion"

Page 2, line 10, overstrike "of reasonable firmness" and insert immediately thereafter "reasonably"

Page 2, line 11, remove the overstrike over "~~2.~~" and remove "b."

Page 2, remove lines 15 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1280: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1280 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to require a legislative council study of application by administrative agencies of standards from other than state or federal law which have not been adopted as administrative rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY. The legislative council shall study application by administrative agencies of standards from other than state or federal law which have not been adopted as administrative rules. The legislative council shall obtain information from each agency with administrative rulemaking authority regarding any standards applied by the agency to the regulated community which have not been adopted as administrative rules and the reason why the agency has not used its rulemaking authority to adopt the standards as administrative rules and the reason why the agency has not used its agency bill introduction privilege for legislative consideration of the standards. For purposes of this study, "standards" means a body of regulatory provisions developed by an association, commission, or other organization which do not have the force and effect of law in this state or in federal law or regulations. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1296: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS,

1 ABSENT AND NOT VOTING). HB 1296 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "eight" with "ten"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1298: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1298 was placed on the Sixth order on the calendar.

Page 40, line 17, replace "designed" with "designated"

Page 47, line 3, after "members" insert an underscored comma

Page 69, line 27, replace "If" with "In"

Page 70, line 22, replace "incorporated" with "organized"

Page 71, line 8, remove "subsection 34 of"

Page 71, line 10, remove "of the number"

Page 71, line 29, replace "corporation" with "nonprofit limited liability company or foreign nonprofit limited liability company"

Page 72, line 17, replace "corporation" with "nonprofit limited liability company"

Page 74, line 5, replace "fifty" with "forty"

Page 74, line 19, replace "corporation" with "nonprofit limited liability company"

Page 74, line 20, replace "corporation" with "nonprofit limited liability company"

Page 76, line 23, replace "corporation" with "nonprofit limited liability company"

Page 76, line 24, replace "corporation" with "nonprofit limited liability company"

Page 79, line 10, replace "designed" with "designated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1303: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1303 was placed on the Sixth order on the calendar.

Page 1, after line 16, insert:

"4. The allowable bad debt expense must be allocated back to the appropriate cost category from which the expense was incurred."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1307: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Sixth order on the calendar.

Page 1, line 19, after the underscored semicolon insert "and"

Page 1, remove lines 20 and 21

Page 1, line 22, replace "d." with "c."

Page 2, after line 8, insert:

- "6. The facility shall report the education expense separately on the facility's cost report. The expense is allowed as a passthrough and is limited only by the fifteen thousand dollar maximum per individual."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1311: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1311 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1364: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1364 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "on family child care homes" with "regarding small businesses"

Page 1, replace lines 6 through 9 with:

"Covenant or restriction regarding small business. For purposes of a provision in a covenant or any other restriction on use, a small business does not include a family child care home."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1366: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1387: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "1."

Page 1, line 9, replace "without" with "shall obtain" and after the second "the" insert "written"

Page 1, line 10, remove "is guilty of a class B misdemeanor" and replace "In addition, that" with "That"

Page 1, remove lines 13 through 23

Page 2, remove lines 1 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1468: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1468 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1487: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1487 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3002: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3002 was placed on the Sixth order on the calendar.

Page 1, line 2, after "mutualization" insert "or privatization"

Page 1, line 14, after "mutualization" insert "or privatization"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. L. Meier, R. Kelsch, Weiler, Wolf and Sens. Dever, Flakoll introduced:

HCR 3016: A concurrent resolution urging school districts to offer students a course in financial literacy.

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

Reps. Delzer, Carlson, Wrangham and Sens. Freborg, Stenehjem introduced:

HCR 3017: A concurrent resolution recognizing the importance of participation in Census 2010 and encouraging state agencies, political subdivisions, and all public officials to partner with the United States Census Bureau in achieving an accurate and complete count in Census 2010.

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

Reps. Weiler, Carlson, Boucher, Nathe and Sens. Stenehjem, O'Connell introduced:

HCR 3018: A concurrent resolution declaring Monday, February 9, 2009, "North Dakota Close-Up Day".

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

Reps. Sukut, Berg, Koppelman and Sens. Cook, Hogue, Lyson introduced:

HCR 3019: A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to allowing the legislative assembly to enact legislation to provide for return of surplus tax collections to citizens of the state; and to provide an effective date.

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

Reps. Dahl, Hatlestad, Mock introduced:

HCR 3020: A concurrent resolution recognizing the North Dakota Council for the Social Studies as the official voice of and organization for social studies teachers in this state.

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

Reps. Kempenich, Froelich and Sens. Erbele, Taylor introduced:

HCR 3021: A concurrent resolution urging the United States Fish and Wildlife Service not to list the black-tailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act.

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

Reps. Schatz, Heller, Karls, L. Meier and Sens. G. Lee, Nodland introduced:

HCR 3022: A concurrent resolution urging Congress not to enact any unfunded education mandates.

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

Reps. Griffin, Koppelman introduced:

HCR 3023: A concurrent resolution directing the Legislative Council to study the criminal offenses in the North Dakota Century Code for which a monetary amount triggers the grading of the offense, with particular emphasis on the grading of theft offenses contained in North Dakota Century Code Chapter 12.1-23.

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

Reps. Delmore, N. Johnson, Potter and Sens. Bakke, J. Lee, Nelson introduced:

HCR 3024: A concurrent resolution directing the Legislative Council to study the safety of cosmetics.

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

Reps. Myxter, Gruchalla, Potter and Sens. Bakke, Mathern, Pomeroy introduced:

HCR 3025: A concurrent resolution recognizing the Red River Valley Research Corridor and its accomplishments.

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

Reps. Monson, Glassheim, Nelson and Sens. Fischer, Miller, Warner introduced:

HCR 3026: A concurrent resolution urging the United States Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming without requiring federal applications, licenses, or fees.

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

Reps. Kretschmar, Brandenburg and Sen. Erbele introduced:

HCR 3027: A concurrent resolution congratulating the Napoleon FFA team on its national championship.

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

Rep. Belter and Sen. Wanzek introduced:

HCR 3028: A concurrent resolution urging Congress to support the responsible use of the beneficial qualities of biotechnology such as pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people and the global environment through high-yield agricultural production.

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

Rep. Belter and Sen. Christmann introduced:

HCR 3029: A concurrent resolution urging to the Environmental Protection Agency not to regulate greenhouse gases under the Clean Air Act.

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

Rep. Belter and Sen. Christmann introduced:

HCR 3030: A concurrent resolution urging Congress not to enact hasty or not well-thought-out climate change legislation.

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

Reps. J. Kelsh, Amerman introduced:

HCR 3031: A concurrent resolution directing the Legislative Council to study eminent domain laws as they relate to pipeline siting.

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

Reps. Headland, Belter, Berg, Nathe, Thoreson, Weiler introduced:

HCR 3032: A concurrent resolution urging Congress, the President, and the North Dakota Congressional Delegation to resist efforts to increase income taxes for individuals, including increases by allowing existing reductions to expire; to permanently eliminate the alternative minimum tax; to reject efforts to increase capital gains taxes; and to consider elimination of capital gains taxes on sales of residential property.

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

Reps. Glassheim, Hawken, Winrich and Sens. Bakke, Fiebiger introduced:

HCR 3033: A concurrent resolution designating June 19 as Juneteenth National Freedom Day.

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

Reps. Vig, Onstad, Uglen, Wall and Sens. Krauter, Wanzek introduced:

HCR 3034: A concurrent resolution urging Congress and the President to enact federal legislation to create protections for railroad shippers, particularly those in areas without effective rail-to-rail competition.

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

Reps. Berg, Schmidt introduced:

HCR 3035: A concurrent resolution directing the Legislative Council to study the Mill and Elevator Association.

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

Reps. Berg, Carlson, Kaldor, Svedjan and Sens. Grindberg, Stenehjem introduced:

HCR 3036: A concurrent resolution directing the Legislative Council to prepare and publish an annual pocket brochure of pertinent state economic indicators and state government statistics.

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

Reps. Berg, Carlson, Monson, Svedjan and Sens. Grindberg, Stenehjem introduced:

HCR 3037: A concurrent resolution directing the Legislative Council to prepare and publish a four-year general fund budget report.

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

Reps. Belter, Brandenburg introduced:

HCR 3038: A concurrent resolution urging Congress to oppose carbon dioxide emission standards.

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

Reps. Belter, Brandenburg and Sen. Klein introduced:

HCR 3039: A concurrent resolution urging Congress to end the outer continental shelf moratorium on oil and natural gas exploration and production.

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

Rep. Ruby introduced:

HCR 3040: A concurrent resolution urging Congress to withdraw the United States from the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity which seeks to create a North American Union.

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

Reps. Schneider, Dahl and Sens. Nelson, Schneider introduced:

HCR 3041: A concurrent resolution to recognize the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter for their efforts in understanding and preventing suicide through research and education and for providing programs and resources for individuals with mood disorders and those impacted by suicide and to recognize depression as a mental illness and how individuals who suffer from depression may be at an increased risk of suicidal behavior.

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

Reps. Schneider, Dahl and Sen. Nelson introduced:

HCR 3042: A concurrent resolution expressing support for the public awareness of multiple sclerosis 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**.

FIRST READING OF SENATE BILL

SB 2092: A BILL for an Act to repeal section 39-21-55 of the North Dakota Century Code, relating to an exemption from rear-end protection requirements for certain vehicles; and to declare an emergency.

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

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

Buell J. Reich, Chief Clerk