

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 17, 2009

The House convened at 12:00 p.m., with Speaker Monson presiding.

The prayer was offered by Pastor Daryl Thompson, District Superintendent with Northern Plains District of the Evangelical Free Church, Bismarck.

The roll was called and all members were present except Representatives Klein, Schneider, and Svedjan.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that we suspend the rules, according to Rule 329 for SB 2155, SB 2212, SB 2216, SB 2225, SB 2230, SB 2266, SB 2305, SB 2332, SB 2333, SB 2336, SB 2350, SB 2355, SB 2358, SB 2396, and SB 2438 be placed on the for second reading and final passage, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Reengrossed SB 2438, which is on the Sixth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Reengrossed SB 2438 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SB 2112, Engrossed SB 2223, Engrossed SB 2248, Engrossed SB 2305, Engrossed SB 2336, Engrossed SB 2350, Engrossed SB 2371, Engrossed SB 2372, Engrossed SB 2404, and Engrossed SCR 4021.

Engrossed SB 2305, Engrossed SB 2336, and Engrossed SB 2350, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SCR 4021, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

Engrossed SB 2112, Engrossed SB 2223, Engrossed SB 2248, Engrossed SB 2371, Engrossed SB 2372, and Engrossed SB 2404, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact subdivision a of subsection 17 of section 4-22-26 of the North Dakota Century Code, relating to the mill levy limit for soil conservation districts; 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 49 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Clark; Conklin; Conrad; Damschen; DeKrey; Delmore; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Schmidt; Schneider; Thorpe; Vig; Weisz; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Dahl; Delzer; Dosch; Drovda; Frantsvog; Froelich; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Porter; Potter; Ruby; Rust; Schatz; Skarphol; Sukut; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Svedjan

SB 2368 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to provide for a legislative council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of expert examinations and the cost and responsibility for providing legal counsel in mental health commitment cases.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froelich; 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; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Svedjan

Engrossed SB 2370 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for employment of individuals with disabilities; 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 44 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Ruby; Schmidt; Schneider; Sukut; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

NAYS: Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Nathe; Nelson; Pietsch; Pollert; Porter; Rust; Schatz; Skarphol; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Svedjan

Engrossed SB 2383 lost.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to amend and reenact section 39-04-09 of the North Dakota Century Code, relating to the issuance of license plates; and to provide an appropriation.

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

YEAS: Boucher; Conrad; Delmore; Froseth; Gruchalla; Hanson; Kelsch, R.; Mueller; Nottestad; Williams; Winrich; Zaiser

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

ABSENT AND NOT VOTING: Svedjan

Reengrossed SB 2385 lost.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for an employer maintaining payment of salary and related retirement plan contributions for an employee called to active military duty as a member of a reserve or national guard component; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Koppelman; Svedjan

Reengrossed SB 2388 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact sections 15-10-01, 15-16-01, and 15-17-03 of the North Dakota Century Code, relating to a name change for the school of forestry at Bottineau.

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 78 YEAS, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsch, 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Boehning; Delzer; Drovdal; Grande; Hatlestad; Headland; Kelsh, J.; Thoreson; Wieland; Wrangham

ABSENT AND NOT VOTING: Delmore; Johnson, D.; Meyer, S.; Svedjan

SB 2389 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact subsection 5 of section 49-22-03 of the North Dakota Century Code, relating to the siting of energy conversion facilities.

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: DeKrey; Dosch; Nelson

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delzer; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; 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; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Delmore; Johnson, D.; Meyer, S.; Svedjan; Wrangham

Reengrossed SB 2411 lost.

MOTION

REP. VIGESAA MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Monson presiding.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to amend and reenact section 5-03-07 of the North Dakota Century Code, relating to imposition of alcoholic beverage taxes at the same rate for sparkling wine as for still wine; 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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; 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; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Damschen; Skarphol

ABSENT AND NOT VOTING: Boe; Delmore; Froelich

Engrossed SB 2416 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to amend and reenact subsection 41 of section 57-39.2-04, subsection 1 of section 57-39.2-04.2, subsection 1 of section 57-40.2-04.2, and section 57-61-01.4 of the North Dakota Century Code, relating to sales and use tax exemptions for beneficiated coal and equipment for certain power plants and a coal severance tax exemption for beneficiated coal or beneficiated coal used to produce steam that is used in certain plants; to provide for a study and a report to the legislative council; to provide an effective date; and to provide an expiration 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; 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; Meyer, S.; 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

ABSENT AND NOT VOTING: Boe; Froelich

Engrossed SB 2035, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code, relating to service charges for recycling and disposal of surplus property; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; 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; Meyer, S.; 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

ABSENT AND NOT VOTING: Boe; Froelich

SB 2131, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand in recess until 2:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Monson presiding.

MOTION

REP. CARLSON MOVED that the House be on a Special Order of Business, which motion prevailed.

CHANGE OF CHAIR

SPEAKER MONSON YIELDED the Chair to Rep. Vigesaa.

HOUSE MEMORIAL SERVICE**Memorial Service Committee**

Representative Don Vigesaa, Chairman
 Representative Gerry Uglen Representative Brenda Heller
 Representative Ralph Metcalf Representative Louise Potter

Invocation

Representative Bob Hunskor

Musical Selection by Special Delivery

"Jesus Will Outshine Them All"
 Representative Chuck Damschen, Naomi Damschen & Cathy Anfinson

Poem

Composed and read by
 Representative Kathy Hawken

First and Second Reading of Memorial Resolution

Musical Selections by Special Delivery
 "Beyond the River Jordan"
 And
 "Eternal Father, Strong To Save" - (The Navy Hymn)
 by Men's Ensemble - Comprised of
 Representatives of the 61st Legislative Assembly
 Accompanied by Joel Gilbertson

Benediction

Representative Bob Hunskor

MOTION

REP. CARLSON MOVED that the House be on the Ninth order of business, First Readings of House Bills and Resolutions, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.
 Was read the first time.

MOTION

REP. CARLSON MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the consent calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Jack Bernabucci, who served in the 40th and 41st Legislative Assemblies, from District 29, died February 10, 2008;

Sam O. Bloom, who served in the 36th through the 39th Legislative Assemblies, from District 40, died December 23, 2008;

Russell Boutilier, who served in the 38th Legislative Assembly, from District 34, died January 25, 2009;

Harold "Hal" Christensen, who served in the 43rd Legislative Assembly, from District 5, died January 15, 2008;

Eugene R. Dahl, who served in the 40th and 41st Legislative Assemblies, from District 26, died July 23, 2008;

Dean Hildebrand, who served in the 42nd through the 44th Legislative Assemblies, from District 15, died September 10, 2008;

Peter S. Hilleboe, who served in the 39th Legislative Assembly, from District 9, and in the 40th through the 44th Legislative Assemblies, from District 21, died November 18, 2008;

Myron Koppang, who served in the 56th and 57th Legislative Assemblies, from District 25, died March 4, 2008;

Bruce W. Larson, who served in the 45th, 47th, and 48th Legislative Assemblies, from District 12, died September 30, 2007;

Clarence P. Loewen, who served in the 35th through the 37th Legislative Assemblies, from District 48, died January 14, 2008;

Gilman Peterson, who served in the 37th Legislative Assembly, from District 31, died September 6, 2008;

John "Jack" M. Riley, who served in the 48th and 49th Legislative Assemblies, from District 44, died March 2, 2007;

Leland Sabby, who served in the 54th and 55th Legislative Assemblies, from District 24, died December 7, 2008;

Warren Schuett, who served in the 44th and 45th Legislative Assemblies, from District 25, died December 27, 2007;

Jens Tennefos, who served in the 44th Legislative Assembly, from District 21, died May 14, 2008;

Kenneth Tweten, who served in the 36th through the 39th Legislative Assemblies, from District 7, and in the 40th through the 42nd Legislative Assemblies, from District 18, died April 24, 2008;

Bruce M. Van Sickle, who served in the 35th and 36th Legislative Assemblies, from District 29, died April 21, 2007;

John S. Whittlesey, who served in the 39th Legislative Assembly, from District 9, died July 16, 2008;

Ray H. Wikenheiser, who served in the 56th through the 58th Legislative Assemblies, from District 28, died April 27, 2007; and

WHEREAS, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

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

HMR 7001 was declared adopted and the title was agreed to on a voice vote.

CHANGE OF CHAIR

REP. VIGESAA YIELDED the Chair to Speaker Monson.

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

MR. PRESIDENT: The Speaker has signed: SB 2118, SB 2132, SB 2166, SB 2182, SB 2184, SB 2206, SB 2220, SB 2235, SB 2240, SB 2241, SB 2268, SB 2307, SB 2367, SB 2390.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1025, HB 1061, HB 1087, HB 1098, HB 1099, HB 1141, HB 1184, HB 1215, HB 1273, HB 1382, HB 1451, HB 1455, HCR 3023.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2329.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2141, SB 2157, SB 2168, SB 2405.

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

MR. PRESIDENT: The House has passed unchanged: SB 2153, SB 2217, SB 2259, SB 2274, SB 2309, SB 2313, SB 2321, SB 2349, SB 2354, SB 2380.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1221, HB 1515.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1567.

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

MR. SPEAKER: The Senate has passed, the emergency clause failed, unchanged: HB 1067.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1038, HB 1121, HB 1142, HB 1168, HB 1245, HB 1294, HB 1318, HB 1341, HB 1351, HB 1383, HB 1475, HB 1495.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4030.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2091, SB 2209, SB 2210, SB 2211, SB 2233, SB 2253, SB 2281, SB 2282, SB 2298, SB 2300, SB 2328, SB 2422.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1323.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2033.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1166, HB 1329, HB 1338.

SENATE AMENDMENTS TO HOUSE BILL NO. 1166

Page 1, line 3, remove "property valuation by townships,"

Page 1, line 18, remove "or township"

Page 6, line 5, after "unplatted" insert "land"

Page 6, line 19, after "by" insert "three thousand dollars or", overstrike "than" and insert immediately thereafter "and to", after "percent" insert "or", remove the overstrike over "more than", and remove "over"

Page 6, line 20, after the comma insert "written"

Page 7, line 7, after "fifteen" insert "three thousand dollars or more and to"

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1329

Page 1, line 2, after "guidelines" insert "; and to provide an agency directive"

Page 3, after line 10, insert:

"SECTION 2. ADMINISTRATIVE RULEMAKING - ADDITIONAL REBUTTAL CRITERIA. As part of the first rulemaking commenced under section 14-09-09.7 after the effective date of this Act, the Department of Human Services shall adopt new criteria for rebutting the presumptively correct amount of support determined under the

child support guidelines based on the increased ability of an obligor, whose income is decreased based on depreciation, to provide child support."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1338

Page 1, line 6, replace "consider studying" with "study"

Page 1, line 9, after the period insert "The study also may include the incorporation of information dealing with new solid waste sciences that affect the overall issue of siting."

Renumber accordingly

MOTION

REP. CARLSON MOVED that the Special Order of Business be dissolved and the House stand adjourned until 1:00 p.m., Wednesday, March 18, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2040, as engrossed: 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** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2040 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "to provide for"

Page 1, line 5, remove "a legislative council study;"

Page 3, remove lines 3 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2060, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second comma with "and" and remove ", and 40-63-06"

Page 1, line 3, replace the second comma with "and"

Page 1, line 4, remove ", and the transferability of renaissance zone historic preservation"

Page 1, line 5, remove "and renovation tax credits"

Page 3, remove lines 19 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2076, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2076 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2101: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 2, line 15, remove "down"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2114: 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). SB 2114 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new" and after "subsection" insert "8"

Page 1, line 3, remove "section 12-44.1-06 and"

Page 1, line 4, remove "grades of correctional facilities and"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 11

Page 2, line 12, replace "A new subsection" with "Subsection 8"

Page 2, line 13, after the colon insert:

"8."

Page 2, line 16, after "facility" insert "except for law enforcement purposes"

Page 2, line 21, after "facility" insert "except for law enforcement purposes"

Page 3, line 5, remove "battery or"

Page 3, line 8, after the underscored period insert "A wireless electronic communications device does not include a medically prescribed device or any other device approved by the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2116: 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). SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new" and after "subsection" insert "8"

Page 1, line 9, replace "A new subsection" with "Subsection 8"

Page 1, line 10, after the colon insert:

"8."

Page 1, line 14, after "divisions" insert "except for law enforcement purposes"

Page 1, line 20, after "divisions" insert "except for law enforcement purposes"

Page 2, line 13, remove "battery or"

Page 2, line 16, after the underscored period insert "A wireless electronic communications device does not include a medically prescribed device or any other device approved by the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-63 of the North Dakota Century Code, relating to definitions; to"

Page 3, after line 6, insert:

"**SECTION 3.** A new section to chapter 54-63 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter, "advanced biofuel" means fuel derived from renewable biomass and includes:

1. Biofuel derived from cellulose, hemicellulose, or lignin;
2. Biofuel derived from sugar and starch other than ethanol derived from corn kernel starch;
3. Biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;
4. Diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;
5. Biogas, including landfill gas and sewage waste treatment gas, produced through the conversion of organic matter from renewable biomass;
6. Butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and
7. Other fuel derived from cellulosic biomass."

Page 3, after line 23, insert:

"g. A member with a substantial interest in advanced biofuel and sugar-based biofuel, appointed by the governor."

Page 5, after line 16, insert:

"j. Provide incentives to support research and demonstration projects and obtain matching grants for projects involving advanced biofuels and sugar-based biofuels."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2155, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2155 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "to" insert "assist certain" and replace "that" with "with the cost of interpreters and real-time captioning for"

Page 1, line 2, remove "provide direct services to"

Page 1, line 7, replace "public" with "assist", after "institutions" insert "under the control of the state board", and replace "in this state which provide direct" with "with the cost of interpreters and real-time captioning for"

Page 1, line 8, remove "services to"

Page 1, line 11, replace "Before an institution is eligible to receive a grant under" with:

1. The school for the deaf shall develop a formula to determine the grant amount for which an institution is eligible. The formula must be based on a uniform hourly reimbursement.
2. To obtain a grant under section 1 of this Act, an institution shall submit to the school for the deaf, at the time and in the manner directed by the school, invoices showing the amount expended for interpreters and real-time captioning for students who are deaf or hard of hearing.
3. The school for the deaf may not distribute more than fifty percent of the amount appropriated during the first year of the biennium.

4. If any grant moneys remain undistributed at the end of the biennium, the school for the deaf shall provide additional prorated grants to institutions that incurred, during the biennium, hourly expenses in excess of the formula reimbursement level.
5. At the request of an institution under the control of the state board of higher education, the school for the deaf shall consult with the institution and provide advice regarding the provision of services most appropriate to meet a student's needs."

Page 1, remove lines 12 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2171 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "an" with "a protection" and replace "for" with "after a hearing under section 14-07.1-02 or an order prohibiting contact"

Page 1, line 14, remove "protection or no contact order issued after a hearing under section 14-07.1-02"

Page 1, line 17, after the third "the" insert "protection" and replace "for" with "or the order prohibiting contact"

Page 1, line 18, remove "protection or no contact order"

Page 1, line 21, remove "if"

Page 1, line 22, remove "required"

Page 1, line 23, remove "with the consent of the tenant,"

Page 2, line 14, replace "the landlord's duty to pay" with "timing for the payment of"

Page 2, line 18, remove "later of the" and remove "or the termination of the"

Page 2, line 19, remove "tenancy indicated in the written notice under subsection 1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2185: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2199, as reengrossed: 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** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create a property tax relief sustainability fund;"

Page 1, line 5, after the second semicolon insert "to provide for transfers;"

Page 2, line 22, after "4." insert "The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2012. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2012 of up to a specific number of mills under this section by December 31, 2012, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.

5."

Page 2, line 23, replace "2010" with "2012"

Page 2, line 24, after "of" insert "up to"

Page 2, line 25, replace "2010" with "2012"

Page 6, after line 6, insert:

"57-64-05. Tax increment financing district revenue replacement grants.

1. A city in which a tax increment financing district was established before January 1, 2009, is entitled to a grant, subject to legislative appropriation, to reimburse the district for the loss of tax increments attributable to the mill levy reduction under this chapter for the school district in which the tax increment financing district property is located. The grant to which a city is entitled under this section is equal to the combined education mill rate reduction under this chapter for the school district for the taxable year times the incremental value of property that had a tax increment value before January 1, 2009, as determined under section 40-58-20, discounted by five percent as allowed for taxpayers under section 57-20-09.
2. Applications for grants under this section must be filed with the tax commissioner by January thirty-first immediately following the taxable year of the combined education mill rate reduction under this chapter. Applications must be filed on a form prescribed by the tax commissioner. The tax commissioner shall audit applications, make corrections as required, and certify grant amounts and recipients to the state treasurer for payment of grants by March thirty-first following receipt of applications.

SECTION 5. Property tax relief sustainability fund. The property tax relief sustainability fund is a special fund in the state treasury. Moneys in the fund may be spent, pursuant to legislative appropriations, for property tax relief programs."

Page 6, line 8, replace "permanent oil tax trust" with "general"

Page 6, after line 11, insert:

"SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$1,720,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of allocation of revenue replacement grants to tax increment financing districts under section 57-64-05, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. TRANSFER - PERMANENT OIL TAX TRUST FUND - GENERAL FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the general fund on July 1, 2009.

SECTION 9. TRANSFER - PERMANENT OIL TAX TRUST FUND - PROPERTY TAX RELIEF SUSTAINABILITY FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the property tax relief sustainability fund on July 1, 2010."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2212, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2212 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2214, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2214 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2216: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 2, after "precede" insert "child forensic medical examinations and"

Page 1, line 3, after "examinations" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 17, after the period insert "A child forensic medical examination is an examination performed on an alleged child victim of criminal sexual conduct for the purpose of gathering evidence of an alleged crime. When a child forensic medical examination is performed, the costs incurred by a health care facility or health care professional for performing the child forensic medical examination or any preliminary medical screening examination may not be charged, either directly or through a third-party payer, to the alleged child victim or the child's parent, guardian, or custodian.

3."

Page 1, line 21, overstrike "3." and insert immediately thereafter "4."

Page 1, after line 23, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$660,000, or so much of the sum as may be necessary, to the attorney general for the purpose of reimbursing health care facilities and health care professionals for the costs of performing preliminary medical screening examinations, child forensic medical examinations, and acute medical examinations on alleged victims of criminal sexual conduct, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2222: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 2, line 3, remove "less than" and after "thousand" insert "or fewer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2225 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2229, as reengrossed: 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** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2229 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 amend and reenact section 57-51-15 of the North Dakota Century Code, relating to apportionment of oil and gas gross production taxes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. Apportionment and use of proceeds of tax. The gross production tax provided for in this chapter must be apportioned as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall credit thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding ~~six~~ ten million dollars per biennium, including any amounts otherwise appropriated for oil and gas impact grants for the biennium by the legislative assembly, and who shall credit the remaining revenues to the state general fund.
2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:
 - a. ~~The first one million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated to that~~ the county.
 - b. ~~The second next one million dollars of annual revenue after the deduction for the amount provided for in subsection 1 from oil and gas produced in any county must be allocated seventy-five percent to that~~ the county and twenty-five percent to the state general fund.
 - c. ~~The third next one million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated fifty percent to that~~ the county and fifty percent to the state general fund.
 - d. ~~All annual revenue after the deduction of the amount provided for in subsection 1 above three million dollars from oil or gas produced in any county remaining after the allocation in subdivision c must be allocated twenty-five percent to that~~ the county and seventy-five percent to the state general fund. ~~However, the~~
3. The amount to which each county is entitled pursuant to this under subsection 2 must be limited based upon the population of allocated within the county according to the last official decennial federal census as follows:
 - a. ~~Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for allocation under subsection 4 for each fiscal year; however, a county may receive up to four million nine hundred thousand dollars under this subdivision. A county may receive the full amount to which it is entitled under subsection 2 for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. Any amount received by a county exceeding three million nine hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 4 but must be credited by the county state treasurer to the infrastructure fund for the county general fund.~~
 - b. ~~Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred thousand dollars for allocation under subsection 4 for each fiscal year; however, a county may receive up to five million one hundred thousand dollars under this subdivision. A county may receive the full amount to which it is entitled under subsection 2 for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. Any amount received by a county exceeding four million one hundred thousand dollars under~~

this subdivision is not subject to allocation under subsection 3 4 but must be credited by the ~~county~~ state treasurer to the infrastructure fund for the county ~~general fund~~.

- c. ~~Counties having a population of six thousand or more shall receive no more than four million six hundred thousand dollars for allocation under subsection 4 for each fiscal year; however, a county may receive up to five million six hundred thousand dollars under this subdivision. A county may receive the full amount to which it is entitled under subsection 2 for each fiscal year if during that fiscal year the county levies a total of ten mills or more for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. Any amount received by a county exceeding four million six hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 4 but must be credited by the county~~ state treasurer to the infrastructure fund for the county ~~general fund~~.

Any allocations for any county pursuant to this subsection which exceed the applicable limitation for that county as provided in subdivisions a through c must be deposited instead in the state's general fund.

3. 4. a. ~~Forty-five percent of all revenues as may by the legislative assembly be allocated to any county hereunder for allocation under this subsection~~ must be credited by the county treasurer to the county general fund.
- b. ~~Thirty-five percent of all revenues allocated to any county for allocation under this subsection~~ must be apportioned by the county treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis, as certified to the county treasurer by the county superintendent of schools. However, no school district may receive in any single academic year an amount under this subsection greater than the county average per student cost multiplied by seventy percent, then multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Provided, however, that in any county in which the average daily attendance or the school census, whichever is greater, is fewer than four hundred, the county is entitled to one hundred twenty percent of the county average per student cost multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share must be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately preceding the certification by the county superintendent of schools required by this subsection.
- c. ~~Twenty percent of all revenues allocated to any county hereunder for allocation under this subsection~~ must be ~~paid~~ apportioned no less than quarterly by the state treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official decennial federal census. ~~Once this level has been reached through distributions under this subsection, all excess funds to which any city would be entitled except for this limitation must be deposited instead in that county's general fund. Provided, however, that in~~ In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of ~~determining the per capita limitation in this section~~ subdivision must be increased by adding to the population of the city as determined by the last official decennial federal census a number to be determined as follows:

- a- (1) Seasonal employees of state and federal tourist facilities within five miles [8.05 kilometers] of the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.
 - b- (2) Seasonal employees of all private tourist facilities within the city and seasonal employees employed by the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.
 - e- (3) The number of visitors to the tourist attraction within the city or within five miles [8.05 kilometers] of the city which draws the largest number of visitors annually must be included by taking the smaller of either of the following:
 - (+) (a) The total number of visitors to that tourist attraction the prior year divided by three hundred sixty-five; or
 - (-) (b) Four hundred twenty.
5. a. Forty-five percent of all revenues allocated to a county infrastructure fund under subsection 3 must be allocated by the state treasurer to the county for deposit in the county general fund.
- b. Thirty-five percent of all revenues allocated to the county infrastructure fund under subsection 3 must be allocated by the board of county commissioners to or for the benefit of townships or school districts in the county on the basis of applications by townships for funding to offset oil and gas development impact to township roads or applications by school districts for school district infrastructure needs that are not ongoing costs of the school district. For unorganized townships within the county, the board of county commissioners may expend an appropriate portion of revenues under this subdivision to offset oil and gas development impact to township roads in those townships. The state treasurer annually shall make payments to townships and school districts, and to the county on behalf of unorganized townships, within the county upon receipt of a schedule of recipients and allocation amounts submitted by the board of county commissioners in a format prescribed by the state treasurer. The amount deposited during each calendar year in the infrastructure fund for the county which is designated for allocation under this subdivision and which is unexpended and unobligated at the end of the calendar year must be transferred by the state treasurer to the county for deposit in the county road and bridge fund for use on county road and bridge projects.
- c. Twenty percent of all revenues allocated to the infrastructure fund for the county under subsection 3 must be allocated by the state treasurer no less than quarterly to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$2,000,000" with "\$1,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2234: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "An" with "A lis pendens or other"

Page 2, line 18, replace "an appropriate" with "a" and after "jurat" insert "or verification upon oath or affirmation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2236: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2236 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 9, after "remains" insert "owned by the builder, remains"

Page 1, line 10, after "unoccupied" insert an underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2247: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 11, after "is" insert "owned and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2265, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2265 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2266, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2266 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2269, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2269 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over the overstruck comma and remove "; an"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "or detained at the state hospital pursuant to chapter 25-03.3:"

Page 1, line 12, remove the overstrike over the overstruck comma and remove the underscored semicolon

Page 1, line 15, after "b." insert "A class A misdemeanor when the victim is an employee of the state hospital acting in the course and scope of employment, which the actor knows to be a fact, and the actor is an individual committed to or detained at the state hospital pursuant to chapter 25-03.3.

c."

Page 2, line 3, overstrike "c." and insert immediately thereafter "d.", overstrike "or" and insert immediately thereafter an underscored comma, and after "b" insert ", or c"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2297, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2322: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2322 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2332, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2332 was placed on the Sixth order on the calendar.

Page 2, line 22, after the underscored semicolon insert "and"

Page 2, line 24, replace "; and" with an underscored period

Page 2, remove lines 25 through 28

Page 3, line 2, replace "\$500,000" with "\$250,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2333, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2333 was placed on the Sixth order on the calendar.

Page 4, line 8, replace "\$3,800,000" with "\$300,000"

Page 4, line 14, replace "\$2,000,000" with "\$1,200,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2355, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2355 was placed on the Sixth order on the calendar.

Page 1, remove lines 20 through 23

Page 2, remove lines 1 and 2

Page 2, line 9, after "care" insert "for short-term" and after the period insert "The study also must include recommendations regarding sources of reliable funding, the appropriate state administrative agency, and a delivery system that reflects local resources and preferences and evidence-based methods for involving parents in follow-up services."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2358: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2358 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2366, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2369, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2369 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2373: 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** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fund" insert "and committee"

Page 1, line 15, replace "as follows:" with "to be spent on research, producer education, marketing, and promotion as directed by the grape and wine program fund committee.
The committee consists of:

- a. The agriculture commissioner or the commissioner's designee;
 - b. The vice president for agriculture at North Dakota state university or the vice president's designee;
 - c. An individual appointed by the governor;
 - d. An individual appointed by the commissioner of the department of commerce;
 - e. An individual appointed by the state board of agricultural research and education; and
 - f. Two individuals appointed by the North Dakota grape growers association.
3. All members of the committee shall serve for a term of two years, beginning July first of each odd-numbered year, and may be reappointed for additional terms.
 4. If any member of the committee resigns or ceases to be a member of the class the member represents, that individual's membership on the committee ceases and the appropriate appointing authority may appoint a new member for the remainder of the term.
 5. The North Dakota grape growers association shall designate as chairman one of the two individuals the association appoints to the committee unless the committee elects a different chairman from the members on the committee. The committee shall meet at least once every two years and at the call of the chairman."

Page 1, remove lines 16 through 20

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2396, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2396 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2402, as engrossed: 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** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2402 was placed on the Sixth order on the calendar.

Page 5, line 5, after "2008" insert ", for ad valorem property taxes and for taxable years beginning after December 31, 2009, for mobile home taxes"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2421, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2421 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact subsections 7 and 8 of section 25-03.1-02 and section 25-03.1-11 of the North Dakota Century Code, relating to emergency procedures for mental health commitments; and"

Page 1, after line 2, insert:

"SECTION 1. AMENDMENT. Subsections 7 and 8 of section 25-03.1-02 of the North Dakota Century Code are amended and reenacted as follows:

7. "Expert examiner" means a licensed physician, psychiatrist, psychologist trained in a clinical program, or licensed addiction counselor appointed by the court to examine the respondent and to provide an evaluation of whether the respondent is a person requiring treatment. ~~An evaluation of a respondent's physical condition may be made only by a licensed physician or psychiatrist, an evaluation of a respondent's mental status may be made only by a psychiatrist or psychologist trained in a clinical program, and an evaluation of whether the respondent is chemically dependent may be made only by a licensed physician, licensed addiction counselor, or licensed psychologist trained in a clinical program.~~
8. "Independent expert examiner" means a licensed physician, psychiatrist, psychologist trained in a clinical program, or licensed addiction counselor, chosen at the request of the respondent to provide an independent evaluation of whether the respondent is a person requiring treatment. ~~An evaluation of a respondent's physical condition may be made only by a licensed physician or psychiatrist; an evaluation of a respondent's mental status may be made only by a psychiatrist or psychologist; and an evaluation of whether the respondent is chemically dependent may be made only by a licensed physician, licensed addiction counselor, or licensed psychologist trained in a clinical program.~~

SECTION 2. AMENDMENT. Section 25-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-11. Involuntary treatment - Examination - Report.

1. The respondent must be examined within a reasonable time by an expert examiner as ordered by the court. If the respondent is taken into custody under the emergency treatment provisions of this chapter, the examination must be conducted within twenty-four hours, exclusive of holidays, of custody. Any expert examiner conducting an examination under this section may consult with or request participation in the examination by any qualified mental health professional and may include with the written examination report any findings or observations by that mental health professional. This examination report, and that of the independent examiner, if one has been requested, must be filed with the court. The report must contain:
 - a. Evaluations of the respondent's physical condition and mental status.

- b. A conclusion as to whether the respondent is a person requiring treatment, with a clear explanation of how that conclusion was derived from the evaluation.
 - c. If the report concludes that the respondent is a person requiring treatment, a list of available forms of care and treatment that may serve as alternatives to involuntary hospitalization.
 - d. The signature of the examiner who prepared the report.
2. For purposes of any examination conducted pursuant to this section:
- a. An evaluation of a respondent's physical condition may be made only by a licensed physician or psychiatrist.
 - b. An evaluation of a respondent's mental status may be made only by a psychiatrist or psychologist trained in a clinical program.
 - c. An evaluation of whether the respondent is chemically dependent may be made only by a licensed physician, licensed addiction counselor, or licensed psychologist trained in a clinical program.
3. If the expert examiner concludes that the respondent is not a person requiring treatment, the court may without taking any other additional action terminate the proceedings and dismiss the petition. If the expert examiner concludes that the respondent is a person requiring treatment, or makes no conclusion thereon, the court shall set a date for hearing and shall give notice of hearing to the persons designated in section 25-03.1-12. If the respondent is in custody and is alleged to be suffering from mental illness or a combination of mental illness and chemical dependency, the preliminary hearing date must be within four days, exclusive of weekends and holidays, of the date respondent was taken into custody through emergency commitment under section 25-03.1-25 unless a delay or continuance is concurred in by the respondent or unless extended by the magistrate for good cause shown. If a preliminary hearing is not required, the treatment hearing must be held within four days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served."

Page 1, line 4, replace "study" with "consider studying"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2427, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2427 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2439: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2439 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4020: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "2004" with "2005"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SCR 4022: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4022 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time and referred to the **Memorial Resolutions Committee**.

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

Buell J. Reich, Chief Clerk

