

JOURNAL OF THE SENATE**Sixtieth Legislative Assembly**

* * * * *

Bismarck, March 19, 2007

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church.

The roll was called and all members were present except Senator Kilzer.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE**Memorial Service Committee**

Senator Dick Dever, Chairman

Senator Ben Tollefson

Senator Carolyn Nelson

Moderator

Lt. Governor Jack Dalrymple, President of the Senate

Invocation

Reverend Keith Ritchie

Senate Quartet

"Eternal Father"

"It is Well With My Soul"

Senator Robert S. Erbele

Senator Jerry Klein

Senator Curtis Olafson

Senator Dave Oehlke

Accompanied by Senator Carolyn Nelson

Introduction of Guests

Lt. Governor Jack Dalrymple, President of the Senate

Vocal Selection

"On Eagle's Wings"

Senator John M. Warner

Accompanied by Senator Carolyn Nelson

First and Second Reading of Senate Memorial Resolution

Secretary of the Senate Bill Horton

Presentation of Resolutions and Roses

Senator Judy Lee, President Pro Tempore

Secretary of State Alvin A. Jaeger

Vocal Selection

"The Lord's Prayer"

Senator Robert S. Erbele

Accompanied by Senator Carolyn Nelson

Memorial Address

Attorney General Wayne Stenehjem

Vocal Selection

"Danny Boy"

Senator John M. Warner

Accompanied by Senator Carolyn Nelson

Benediction

Reverend Keith Ritchie

Bagpipe Instrumental

"Amazing Grace"

Thomas L. Trenbeath

DECEASED MEMBERS**A. F. Gronvold**

33rd, 36th, and 37th Legislative Assemblies, District 42

Died February 1, 2007

Adam Krauter

45th and 46th Legislative Assemblies, District 38

48th through the 51st Legislative Assemblies, District 35

Died August 15, 2005

C. Warner Litten

40th through the 43rd Legislative Assemblies, District 21

Died July 26, 2006

R. E. Meidinger

33rd through the 38th Legislative Assemblies, District 23

Died June 4, 2006

Bryce Streibel

47th through the 54th Legislative Assemblies, District 14

Died August 13, 2006

Steve Thomas

32nd through the 35th Legislative Assemblies, District 26

Died October 1, 2005

Clarence Welander

33rd and 34th Legislative Assemblies, District 25

Died August 2, 2006

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Ninth order of business for the first reading of SMR 8001, which motion prevailed.

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

A. F. Gronvold, who served in the 33rd, 36th, and 37th Legislative Assemblies, from District 42, died February 1, 2007;

Adam Krauter, who served in the 45th and 46th Legislative Assemblies, from District 38, and in the 48th through the 51st Legislative Assemblies, from District 35, died August 15, 2005;

C. Warner Litten, who served in the 40th through the 43rd Legislative Assemblies, from District 21, died July 26, 2006;

R. E. Meidinger, who served in the 33rd through the 38th Legislative Assemblies, from District 23, died June 4, 2006;

Bryce Streibel, who served in the 47th through the 54th Legislative Assemblies, from District 14, died August 13, 2006;

Steve Thomas, who served in the 32nd through the 35th Legislative Assemblies, from District 26, died October 1, 2005;

Clarence Welander, who served in the 33rd and 34th Legislative Assemblies, from District 25, died August 2, 2006; and

WHEREAS, we now pause to mourn the passing of our former Senate 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 SENATE 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 Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

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

SMR 8001 was declared adopted and the title was agreed to on a voice vote.

MOTION

SEN. DEVER MOVED that the Memorial Address by Attorney General Wayne Stenehjem and the invocation and benediction by Reverend Keith Ritchie be printed in the Journal, which motion prevailed.

INVOCATION BY REVEREND KEITH RITCHIE

We are gathered here today to remember these lives that have touched us and impacted this great state. We are also gathered here today to consider our own mortality, and what it means to go on living.

MEMORIAL ADDRESS BY ATTORNEY GENERAL WAYNE STENEHJEM

Mr. President and members of the Senate: In my first session in this Senate, the 47th Legislative Assembly in 1981, I sat right there in the middle of the second row, and newly elected Senator Bryce Streibel sat right next to me in the same seat his father had sat when he was a Senator. Senator Adam Krauter sat there, near where his son Aaron now sits. And when the Memorial Service began with the reading of Senate Memorial Resolution Number One, with the names of the now deceased members, Bryce leaned over to me and said, "One day they will read resolutions like this with our names on it." And Bryce was right.

For Bryce and for Senator Adam Krauter that day is today. As it is for Senator C. Warner Litten of Fargo, and Senator R. E. Meidinger of Jamestown. And for Senator A. F. Gronvold of Rugby; and Senator Steve Thomas of Linton; and Senator Clarence Welander of Fullerton. Good men. Capable, dedicated senators, all.

There are none of us that have sat here and listened as this Senate Memorial Resolution is read who don't do so with a somber awareness that one day the Secretary of the Senate will stand at the podium and read a similar resolution with our name on it.

As the sessions progressed, I listened in reverent awareness as this service was conducted, and the names, one by one, were read. Initially they were names with which I was mostly unfamiliar; and then more often names I had heard of, or remembered reading about in the news. Then, as the sessions behind me became more numerous, more often, the names were well known ones, until eventually the names became those of people I had served with and

knew well. Friends and allies and worthy opponents alike. And like all of you, all too often we have found ourselves attending the funeral services in the hometowns of these public servants. And though the senators there eulogized are of various and diverse backgrounds and philosophies, I have noted a common theme among the words spoken for our departed colleagues.

No priest or minister or orator ever mentions about a former senator: "The public liked his stance on funding for elementary and secondary education..." or "She was well admired because she favored (or did not favor) caps on local property taxes." Instead, we always hear words that tell of the character of our departed colleagues...

"His word was his bond."

"She was true to her principles."

"He would never let you down."

"She laughed often."

Sixty years ago, the 1947 Session of the Legislature marked the half-way point of North Dakota's existence as a state. That time is within the memory of some of the members serving now. And in that session, as in this, a Memorial Resolution was passed. The Resolution of 60 years ago memorialized 11 departed Senators, and asked that we never forget them or their accomplishments. One of them, Senator John H. Worst, had served in the State's very first legislative assembly, went on to serve as Lt. Governor, and then President of NDSU. Another was Senator William A. Thatcher. He was a School of Forestry supporter, and he is remembered to this day by the people at MSU-Bottineau. The school notes, "Senator William Thatcher of Bottineau County initiated a resolution to the Budget Board recommending that a building program be considered by the 1947 assembly, and that the needs of the School of Forestry be given top priority. (He did not survive through the 1947 session.) Funds were appropriate in 1949 and an administration building was completed in 1950 and named for Senator Thatcher. The building added much needed classrooms, offices, gym and locker facilities."

Sixty years from now, the legacy of each of the senators we today memorialize will no doubt be remembered. We may or may not know specifically what those accomplishments are, they may or may not ever have a building named for them; but a better state of North Dakota will be the legacy of these seven public servants. Few know the joys and sacrifices of serving here. First the slings and arrows of achieving the trust and votes of the citizens in order to earn a seat in this chamber; then there are the pressures and stress of actually serving. For the families gathered here today, only you know the number of community events and family occasions and time together lost, so they could serve.

And for that, a grateful state offers its silent thanks.

Hundreds of men and women have served in this room. When I was a member here, I would sometimes come in late at night or on weekends, and sitting alone imagine the arguments and issues that must have been discussed and resolved within these walls.

We are well blessed to live in a state and country where the desires and emotions of the public are channeled to one place such as our state Senate. You argue and debate. You sometimes shout. Proponents and opponents of particular bills are either bitterly disappointed or briefly pleased. For all of this we thank those with the foresight to create this miracle process; those men and women who held a steadfast belief that we humans are wise enough to preserve it. Above all else, that is the lasting legacy of the senators who sat in your same places. From our First Legislative Assembly to this, the issues of the day range from the truly momentous to the nearly inconsequential, and often in the heat of the legislative process, we have a hard time determining which is which.

So, you who serve here must be ever mindful of the fact that this is the focal point where the aspirations and the hopes, as well as the fears and anxieties of our citizens converge. More important than the individual issues faced in this chamber is the reality that as long as all can come to these chambers, a single meeting place, and openly advance their opinions and desires, and be represented by senators who vigorously and honestly speak on their behalf, and agree that thereafter we all will abide by the collective wisdom of the whole, this institution, and the form of government herein found, will continue to offer a peaceful and lasting outcome that permits us to avoid revolution and bloodshed as an unhappy alternative, just as similar bodies throughout the nation have succeeded in doing for over 200 years.

The echoes of the vigorous, often contentious debates over the causes of the day have died with those who spoke them. But the institution survives. And the character of the people who shaped this institution survives as well. These dedicated senators whose lives and service we today recognize, toiled in this very room. They left their families and friends and businesses

behind, to dedicate their tireless effort to making this state a better place. The issues they faced were no doubt heated and difficult. They served their constituents and their state well.

As they are remembered, it is proper to rededicate our own lives to service. To remember our departed colleagues and friends. The words of poet John Donne remind us that we are all in this life together. When one senator leaves us, we are all diminished.

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if promontory were, as well as if a manor of thy friend's or of thine own were. Any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

And so, I think it is fitting to quote the words that ended Senate Memorial Resolution J from the 1947 Session of our Legislature. Because what was true of the remembered Senators then, is equally true today - for our friends, Senators Gronvold, Krauter, Litten, Meidinger, Streibel, Thomas, and Welanders:

"Now, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives Concurring therein, that we hereby extend to the families and friends of the deceased, our heartfelt sympathy. We, too, are deeply moved by the loss of these able, conscientious, and industrious men. The valuable contributions they made as community leaders and legislators will always be a gentle reminder of their abiding faith in humanity, loyalty and love for things sublime. We are told that the good men do, will follow after them. If this is true, then we can rest assured in the knowledge that, with them, all is well."

BENEDICTION BY REVEREND KEITH RITCHIE

In God's Holy Word the Apostle Paul paints a picture in our minds that we are like clay pots or earthen vessels - pottery. We all know that pottery can crack, get chipped and broken if dropped. We all one day wear out. We all know that life takes its toll on our physical strength and stamina. Like a candle that gives forth light, it grows shorter with each passing hour until its resources are expended. The body we have will not last forever, but what we have done with that body can have lasting effects. 2 Corinthians.

MOTION

SEN. CHRISTMANN MOVED that the Memorial Service be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)**, appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Sandi Frenzel for reappointment.

MOTION

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Sandi Frenzel for reappointment to the North Dakota Gaming Commission", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

The Senate advises and consents to the nomination of Sandi Frenzel for reappointment to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)**, appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Charles Axtman for reappointment.

MOTION

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Charles Axtman for reappointment to the North Dakota Gaming Commission", the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Holmberg

The Senate advises and consents to the nomination of Charles Axtman for reappointment to the North Dakota Gaming Commission.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1233, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, Engrossed HB 1422, as amended, be placed on the Fourteenth order, as further amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1146, as engrossed and amended: SEN. TRIPLETT (Natural Resources Committee) MOVED that the amendments on SJ pages 868-869 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1422: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 869-871 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program; to provide for review by the drug utilization review board; to provide for 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

HB 1422, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to create and enact a new section to chapter 54-34.3, a new section to chapter 54-34.4, two new sections to chapter 54-60, section 57-38-01.24, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to international business, visitor information centers, department of commerce division of workforce development programs and duties, and tax credits for internships and research and experimental expenditures; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05, subsections 4 and 6 of section 54-17-07.3, and sections 54-60-02, 54-60-09, 54-60-12, 57-38-30.5, 57-38.5-05, and 57-38.6-01 of the North Dakota Century Code and section 17 of chapter 151 of the 2005 Session Laws, relating to the centers of excellence program, housing finance agency programs, updating department of commerce law, department of commerce division of workforce development duties, the North Dakota image information program, tax forms, research and experimental expenditures tax credits, seed capital investment tax credits, agricultural business investment tax credits, and a legislative council study; to repeal sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to beginning entrepreneur income tax incentives; to provide for state agency studies, a tax expenditure report pilot project and a state business incentive expenditure report pilot project and reports on the pilot projects, reports to the legislative council, and legislative council studies; to provide effective dates; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dever; Triplett

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

Reengrossed HB 1027 lost.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation additional benefits payable; to amend and reenact subsection 5 of section 65-05-07 and sections 65-05-16, 65-05.1-08, and 65-05.2-01 of the North Dakota Century Code, relating to workers' compensation benefits for the catastrophically injured, additional benefits payable, death benefits, supplemental benefits, loans for education; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

HB 1038 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact subsection 1 of section 57-60-14 of the North Dakota Century Code, relating to allocation of the privilege tax on coal conversion facilities to the lignite research fund; to provide legislative intent; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Potter

Engrossed HB 1093, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to electronic birth, marriage, fetal death, and death records and electronic filing and registration for birth, fetal death, and death records; to amend and reenact sections 23-02.1-01, 23-02.1-05, 23-02.1-08, 23-02.1-11, 23-02.1-12, 23-02.1-13, 23-02.1-14, 23-02.1-15, and 23-02.1-16, subsection 1 of section 23-02.1-17, sections 23-02.1-18, 23-02.1-19, and 23-02.1-20, subsection 2 of section 23-02.1-21, section 23-02.1-22, subsection 2 of section 23-02.1-23, sections 23-02.1-25, 23-02.1-26, 23-02.1-27, 23-02.1-28, 23-02.1-29, and 23-02.1-30, subsection 1 of section 23-02.1-32, and sections 23-06-07, 23-06-08, 23-06-09, and 23-06-10 of the North Dakota Century Code, relating to birth, marriage, and death records; to repeal sections 23-02.1-06, 23-02.1-07, 23-02.1-09, and 23-02.1-10 of the North Dakota Century Code, relating to registration districts and local registrars; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed HB 1129, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact section 4-14.2-02 of the North Dakota Century Code, relating to membership of the northern crop council.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

HB 1164 passed and the title was agreed to.

REQUEST

SEN. WARNER REQUESTED that his remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR WARNER

Mr. President, it is my privilege to congratulate Parshall High School on their victory in the Boy's State B Basketball Tournament. Last Saturday night, Parshall defeated Dickinson Trinity in the championship game, winning the state title for the first time in 32 years.

As the small towns that make up our Class B schools fade one-by-one across this state, the people of Parshall remind us of the traditional glory that a Class B title brings.

Class B tournaments always bring to mind the image of a deserted hometown main street and endless caravans of cars heading toward the big city as the whole town turns out to support their team. This year brought back that fond memory as the community of Parshall turned out in force and represented the best of small town traditions of school spirit and enthusiasm tempered by sportsmanship and the spirit of the game.

The Braves coaches and players showed great sportsmanship and teamwork and deserved their hard fought victory. The "Big 3" as they became known by the media during the tournament, deserves some special recognition. Rudy Young Bird is the first member of the "Big 3". His talent and drive were an important part of the winning combination last week. Nathaniel and Neil Packineau are twin brothers who are indeed very gifted athletes. I need to extend a special congratulation to Nathaniel Packineau. He put on a performance during the tournament which will not soon be forgotten and was deservedly named the tournament MVP.

Those players dreamed of winning a state title from the time they could first dribble a basketball. They worked hard attending every basketball camp they could during the off season in order to ensure their goal would, one day, be realized. They proved, on Saturday night, that hard work and determination does indeed pay off.

Once again, I congratulate the city of Parshall and the Parshall High School Braves on their much deserved victory in the Boy's Class B State Basketball Tournament.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1164.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1038.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1093, HB 1129, HB 1422.

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

MR. SPEAKER: The Senate has failed to pass: HB 1027.

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

MR. PRESIDENT: The House has passed unchanged: SB 2117, SB 2155, SB 2237, SB 2239, SB 2278, SB 2321.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2154, SB 2222, SB 2224.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2154

Page 1, line 10, replace "seventy" with "sixty-five"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2222

Page 2, line 9, replace "after recording the notice of levy" with "from the date of the sheriff's sale"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2224

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-38.5-03 of the North Dakota Century Code, relating to the eligibility for the seed capital investment tax credit for investments made by an angel fund; to amend and reenact subsection 6 of section 57-38.5-01 of the North Dakota Century Code, relating to the definition of taxpayer for purposes of the seed capital investment tax credit; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 57-38.5-01 of the North Dakota Century Code is amended and reenacted as follows:

6. "Taxpayer" means an individual, estate, or trust or a corporation or a passthrough entity, or an angel fund. The term does not include a real estate investment trust.

SECTION 2. A new subsection to section 57-38.5-03 of the North Dakota Century Code is created and enacted as follows:

An angel fund that invests in a qualified business must be considered to be the taxpayer for purposes of the investment limitations in this section. The amount of the credit allowed with respect to an angel fund's investment in a qualified business must be determined at the angel fund level. The amount of the total credit determined at the angel fund level must be allowed to the investors in the angel fund in proportion to the investor's respective interests in the fund. An angel fund that is subject to the tax imposed under chapter 57-38 is not eligible for the investment tax credit under this chapter.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2006."

Renumber accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2319.

HOUSE AMENDMENTS TO SENATE BILL NO. 2319

Page 1, line 2, after "products" insert "; and to declare an emergency"

Page 5, line 25, after "drug" insert "unless prescribed by a licensed physician"

Page 11, after line 19, insert:

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

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2365.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2049, SB 2212, SB 2221, SB 2273, SB 2308, SB 2317, SB 2350, SB 2357, SB 2358, SB 2366, SB 2368, SB 2378, SB 2415.

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

MR. PRESIDENT: The Speaker has signed: SB 2049, SB 2212, SB 2221, SB 2273, SB 2308, SB 2317, SB 2350, SB 2357, SB 2358, SB 2366, SB 2368, SB 2378, SB 2415.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1099, HB 1135, HB 1169, HB 1299, HB 1328, HB 1331, HB 1350, HB 1411, HB 1452, HB 1476, HB 1479, HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3025, HCR 3026, HCR 3031, HCR 3039, HCR 3048, HCR 3056, HCR 3063.

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 20, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1119: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1124, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1124 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1227, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and subsection 2 of section"

Page 1, line 2, remove "39-06-07"

Page 1, line 12, remove "and determination by the director that"

Page 1, line 13, remove "there is" and replace ", which" with "that"

Page 1, line 14, after "issue" insert "and, if appropriate, issue"

Page 1, line 23, overstrike "The name", remove the first underscored comma, overstrike "date of birth", remove ", and social security number", and overstrike "on all original applications"

Page 1, line 24, overstrike "must be verified by", remove "certified", overstrike "birth certificate or other" and insert immediately thereafter "To confirm the identity of the applicant, the director or examining officer shall require", and replace "as" with "be provided by the applicant". Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and identification of the applicant by the director or examining officer"

Page 2, line 1, remove "determined by the director or examining officer" and overstrike "Applicants must produce"

Page 2, line 4, overstrike "documentary evidence", remove "that", and overstrike "confirms to the satisfaction of the"

Page 2, line 5, remove "director or" and overstrike "examining officer the true identity and date of birth of the applicant."

Page 2, replace lines 29 and 30 with:

"10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause."

Page 3, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1267, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1267 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1297, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1394, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1394 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike "twelve" and insert immediately thereafter "sixteen" and remove the overstrike over "~~twenty-seventh~~"

Page 1, line 21, remove "twentieth"

Page 1, line 23, after the period insert "A skyrocket, customarily known as a bottle rocket, is not permissible if the outside diameter of the casing is less than five-eighths inch [15.875 millimeters] and the length of the casing is less than three and one-half inches [88.9 millimeters]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1420, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1420 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "section" and insert immediately thereafter "sections 11-33-02.1 and"

Page 3, line 7, remove the first underscored comma and remove the second underscored comma

Page 4, remove lines 13 through 20

Page 4, line 21, replace "5." with "4."

Page 4, line 23, replace "6." with "5."

Page 4, after line 24, insert:

6. A board of county commissioners may adopt regulations that establish different standards for the location of concentrated feeding operations based on the size of the operation and the species and type being fed.

7. If a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.

Page 4, line 25, replace "7." with "8."

Page 6, line 6, after "54-21.3" insert "and section 58-03-11.1"

Page 8, line 1, remove the first underscored comma and remove the second underscored comma

Page 9, remove lines 7 through 14

Page 9, line 15, replace "5." with "4."

Page 9, line 17, replace "6." with "5."

Page 9, after line 18, insert:

6. A board of township supervisors may adopt regulations that establish different standards for the location of concentrated feeding operations based on the size of the operation and the species and type being fed.

7. If a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the

regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation."

Page 9, line 19, replace "7." with "8."

Page 9, line 28, remove "one and" and replace "miles [2.40 kilometers]" with "mile [0.80 kilometer]"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1445, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1445 was placed on the Sixth order on the calendar.

Page 1, remove the overstrike over lines 22 through 24

Page 2, line 1, remove the overstrike over "county or township roadway" and remove "highway"

Page 2, line 2, remove the overstrike over "forty-five", remove "sixty-five", remove the overstrike over "72.42", remove "104.61", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1423, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1423 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1450, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1450 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1499, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1499 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "subsection" with "subsections" and after "8" insert "and 10"

Page 1, line 3, after "16.1-08.1-01" insert "and subdivision a subsection 2 of section 16.1-10-02"

Page 1, line 4, after "committee" insert "and a political purpose"

Page 1, line 6, replace "Subsection" with "Subsections" and after "8" insert "and 10"

Page 1, line 7, replace "is" with "are"

Page 2, after line 2, insert:

"10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial."

Page 3, after line 2, insert:

"SECTION 3. AMENDMENT. Subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code is amended and reenacted as follows:

- a. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity was undertaken by a candidate, a political committee, a political party, or any other person but does not include activities undertaken in the performance of a duty of state or political subdivision office. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or a position taken in any bona fide news story, commentary, or editorial.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3010: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3010 was placed on the Sixth order on the calendar.

Page 1, line 1, after "meat" insert "and poultry"

Page 1, replace lines 21 and 22 with "first ensure that proposed rules governing implementation of country of origin labeling adequately address cattle industry concerns and then implement mandatory country of origin labeling for all meat and poultry products; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3037: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3057: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3057 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

William R. Horton, Secretary