

**JOURNAL OF THE SENATE****Sixty-first Legislative Assembly**

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**Bismarck, March 17, 2009**

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

The prayer was offered by Pastor Bob Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Mathern and Wardner.

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 Robert S. Erbele, Chairman  
Senator Carolyn Nelson  
Senator Dave Oehlke

**Moderator**

Lt. Governor Jack Dalrymple, President of the Senate

**Invocation**

Reverend Bob Nordvall

**Introduction of Guests**

Lt. Governor Jack Dalrymple, President of the Senate

**Senate Chorus**

"God Leads Us Along"

Directed by Senator Robert S. Erbele  
Accompanied by Senator Carolyn Nelson

**First and Second Reading of Senate Memorial Resolution**

Secretary of the Senate Fran A. Gronberg

**Presentation of Resolutions and Roses**

Senator Tom Fischer, President Pro Tempore  
Secretary of State Alvin A. Jaeger

**Senate Chorus**

"They Shall Soar Like Eagles"

**Memorial Address**

Deputy Attorney General Thomas L. Trenbeath

**Senate Chorus/Benediction**

"United We Stand"

**DECEASED MEMBERS****Arnold Bjarlie**

31st and 32nd Legislative Assemblies, District 17  
Died April 27, 2008

**Richard L. Brown**

58th and 59th Legislative Assemblies, District 27  
Died November 1, 2008

**Harold "Hal" Christensen**

44th through the 49th Legislative Assemblies, District 5

Died January 15, 2008

**Orville W. Hagen**

33rd and 34th Legislative Assemblies, District 41  
Died June 24, 2007

**Ken Solberg**

52nd through the 57th Legislative Assemblies, District 7  
Died October 7, 2007

**Jens Tennefos**

45th through the 54th Legislative Assemblies, District 46  
Died May 14, 2008

**Bronald Thompson**

36th through the 39th Legislative Assemblies, District 20  
Died October 30, 2007

**Kenneth Tweten**

43rd and 44th Legislative Assemblies, District 18  
Died April 24, 2008

**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:

Arnold Bjorlie, who served in the 31st and 32nd Legislative Assemblies, from District 17, died April 27, 2008;

Richard L. Brown, who served in the 58th and 59th Legislative Assemblies, from District 27, died November 1, 2008;

Harold "Hal" Christensen, who served in the 44th through the 49th Legislative Assemblies, from District 5, died January 15, 2008;

Orville W. Hagen, who served in the 33rd and 34th Legislative Assemblies, from District 41, died June 24, 2007;

Ken Solberg, who served in the 52nd through the 57th Legislative Assemblies, from District 7, died October 7, 2007;

Jens Tennefos, who served in the 45th through the 54th Legislative Assemblies, from District 46, died May 14, 2008;

Bronald Thompson, who served in the 36th through the 39th Legislative Assemblies, from District 20, died October 30, 2007;

Kenneth Tweten, who served in the 43rd and 44th Legislative Assemblies, from District 18, died April 24, 2008; 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.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Memorial Address by Deputy Attorney General Tom Trenbeath and the Invocation by Pastor Bob Nordvall be printed in the Journal, which motion prevailed.

**INVOCATION BY PASTOR BOB NORDVALL**

From St. Paul comes a word to servants: "His work will be shown for what it is, because the Day will bring it to light. It will be revealed with fire, and the fire will test the quality of each man's work." 1 Corinthians 3:13.

Loving God, we remember today with respect, appreciation and thankfulness those who have served in our North Dakota legislature as Senators and who represented their constituencies with faithful service and good conscience. On this day of recognition we also remember their families with gratitude for the support of their loved one as much time and many days were given over to the affairs of the state of North Dakota.

Heavenly Father, we acknowledge that all our days are numbered, and there is finality to those numbers cut into grave markers and separated by a dash marking the date of birth and the date of death. There is a story to be told about how we lived in the dash. We are remembered for how we used our days and our gifts for the benefit of others. Acts of grace, kindness and generosity become the signposts by which the lives of others may be guided on their own life's journey. Lives lived with dedication, sacrifice and integrity shape the model for those following our own steps.

Thank you, Lord, for the servants we are honoring today in this memorial event. As we celebrate who they were and what they represented during their time in elected office, help us to understand and to know how important it is to consider our own lives lived in the dash. While a memorial service is meant to recognize these faithful friends who have gone on to their eternal rewards, we remain in the dash knowing that one day there will be others from this chamber who will be so remembered. Help each one to live and serve with grace and to take from their predecessors those things that were of greatest joy and blessing and make it part of their own dash.

Father, bless this moment of remembrance in such a way that we neither quickly forget those lifted up nor forget what it all means for our own lives to be lived well and faithfully for the hope and encouragement of others. Thank you again for the example from the lives of these loved ones who have died, and bless those still with the privilege of living and serving in the state of North Dakota. Amen.

**MEMORIAL ADDRESS BY DEPUTY ATTORNEY GENERAL THOMAS L. TRENBEATH**

Senators, honored guests, ladies and gentlemen, I am deeply appreciative of this opportunity to continue the tradition, here in the North Dakota Senate, of honoring the memory of our departed members. With your permission I will speak as if I were still a member of this august body, as my service here has been one of the highlights of my life.

It is my belief that there is not one member in attendance, from the newly elected to those of emeritus status who hasn't considered and been comforted by the knowledge that some day, soon or late, his or her name will be spoken in honor and remembrance in the well of this place--this Senate Chamber. For no matter the length of service, whether one term forty years ago or ten terms commencing forty years ago, the bonds of brotherhood and sisterhood are forged in the discussions and debates of the day and, though the issues may change the goal has remained the same: service to the citizens of this Great State of North Dakota, service that is given its due accord and honor on this day.

With service often times comes sacrifice. So it is with membership in this body. Each of the gentlemen we honor and remember this day heard the call, successfully sought the office, and acquitted himself to the very best of his abilities. With that answered call came the attenuating burden of sacrifice. They left their business endeavors, their friends, their daily and comfortable routines to throw themselves into the crucible of public service. In addition, many left family behind at a time when roads and vehicles would not easily allow the weekend

commute many embark on today. Absence from spouse and children was, undoubtedly, the greatest burden. And that burden was felt equally, or perhaps to a greater extent, at home.

And I ask you to consider the extraordinary service these gentlemen rendered to this state: Three of those memorialized as Senators, also served in the North Dakota House of Representatives; Senator Thompson also chaired the Workers' Compensation Commission; Senator Tweten served on the North Dakota Board of Higher Education; and Senator Hagen was Labor Commissioner and Lieutenant Governor. This is service personified.

The quality of service, the burden of sacrifice: these are observations that can be made of these honored gentlemen merely from the fact that they were here. Unfortunately, I am able to make more specific observations with regard to two of these men. I say "unfortunately" as my knowledge comes from having served with these two which is, to me, an indication of the untimeliness of their passing.

When I was a freshman member of this body, the then Majority Leader, Senator Gary Nelson, asked Senator Ken Solberg to be my mentor. Senator Solberg accepted the responsibility as I came to learn he accepted all of life's challenges (and I certainly was one of his)--with gusto. Ken was a man for whom "grey" was not in the spectrum. Black or white would do just fine. I quickly learned that I never had to discern where Ken was coming from, what he was thinking, what his opinions were, or where he was heading. All I had to do was ask him; or not ask him for that matter. Senator Solberg always came straight at you. No subterfuge or artifice. What you saw, and heard, was what you got and what he meant. There were few things the good Senator from Rugby objected to more than protein on a plate that hadn't previously had cloven hooves and four stomachs. You see, Ken was a cattleman. More than once, at banquet events when seeing that chicken was being served the good Senator would make the following observation, "something on this plate didn't walk on four legs." That was Ken.

Then there is Senator Dick Brown. To overwork a cliché, if you look up the word "gentleman" in the dictionary you'll find a picture of Dick Brown. During the course of our common tenure, I dare say, Senator Brown and I disagreed more than we were in accord. For two Senators of a common party it was, at times, as if we spoke different languages. But politics aside, there was something about our personalities that spawned a lasting friendship. I have never known Senator Brown to be rude, brash, or even discourteous. Dick understood the fine art of making a point without offending. Many times, subsequent to our service in this chamber, I would travel to Fargo to visit family, and run into him at church on Sunday. His smile of recognition and extended right hand always immediately took us back to our shared history in this place.

The strongest bonds of comradeship are forged in the heat of common endeavors--college; grad school; basic training; and, yes, public service. So it was with Ken, Dick, and me. So it undoubtedly has been with some of you and those we remember, today.

Many of you will have specific memories of others whose service to this body we celebrate today. Some may be remembered as humorous, boisterous, or quietly competent. This is not a body of just one stripe. We are a coat of many colors and each of the honored, departed members personified one or more of the attributes necessary to guide North Dakota through the challenges presented.

In closing I am reminded of a Vachel Lindsay poem. I'll close with a portion of "Rain."

Only boys keep their cheeks dry.  
Only boys are afraid to cry.  
Men thank God for tears,  
Alone with the memory of their dead,  
The memory of these years.

Thank you.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate 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.

#### POINT OF PERSONAL PRIVILEGE

**SEN. DEVER:** Mr. President: I rise on a point of personal privilege.

**REQUEST**

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

**REMARKS OF SENATOR DEVER**

**MR. PRESIDENT:** Bismarck High School has a long standing tradition of academic and athletic excellence. It is my honor today to recognize the Bismarck High School girls' basketball team, led by first-year coach Andrea Ronderos.

The BHS Demons did what many called "the impossible" on Saturday night at the Fargo Dome. They beat the previously undefeated Fargo South Bruins 70 to 62 to win the state girls' basketball championship.

Several of the Bismarck High players were born in 1991, which is the last time BHS girls took home the state Class A title. Coach Ronderos said, "They believed they could win. I have never been a part of a group that believes in each other so much."

Players Sarah Feeney and Kelsey Sigl were named to the All Tournament Team. Feeney was also named Most Valuable Player and Sigl was nominated for Miss Basketball.

To the entire Bismarck High School girls' basketball team, continue to believe, and congratulations on your state championship win!

**CONSIDERATION OF AMENDMENTS**

**HB 1057, as reengrossed: SEN. DEVER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 774 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1059, as engrossed: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 774 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. WARNER (Appropriations Committee) MOVED** that the amendments on SJ pages 772-773 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1011, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 773-774 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1219, as reengrossed: SEN. FIEBIGER (Transportation Committee) MOVED** that the amendments on SJ page 775 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1007, as engrossed: SEN. KRAUTER (Appropriations Committee) MOVED** that the amendments on SJ page 773 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1342, as engrossed: SEN. FIEBIGER (Transportation Committee) MOVED** that the amendments on SJ page 775 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1361, as engrossed: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 775-777 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1073, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1073 was rereferred.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2033 as printed on SJ page 708, which motion prevailed on a voice vote.

Engrossed SB 2033, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1438:** A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to a nonresident commercial driver's license; to amend and reenact sections 39-06.2-02, 39-06.2-08, and 39-06.2-09 of the North Dakota Century Code, relating to an application for a nonresident commercial driver's license; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1438, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1280:** A BILL for an Act to require a legislative council study of application by administrative agencies of standards from other than state or federal law which have not been adopted as administrative rules.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1280 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1181:** A BILL for an Act to create and enact chapter 37-29 of the North Dakota Century Code, relating to job protections for volunteer emergency responders of the adjutant general's office; to amend and reenact section 54-06-27 of the North Dakota Century Code, relating to public service job protections for volunteer emergency responders; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1181 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1128:** A BILL for an Act to amend and reenact section 37-17.1-16 of the North Dakota Century Code, relating to immunity and exemptions for actions in response to emergency management; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**NAYS:** Fiebiger

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1128 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1004, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1001, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1391:** A BILL for an Act to provide for a legislative council study.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais;

Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

HB 1391, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1194:** A BILL for an Act to amend and reenact subsection 7 of section 53-06.1-01 and subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to raffles conducted by certain organizations.

#### 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 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Christmann; Cook; Dotzenrod; Fiebiger; Flakoll; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lindaas; Marcellais; Miller; Nelson; Nodland; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek

**NAYS:** Andrist; Behm; Bowman; Dever; Erbele; Fischer; Freborg; Hogue; Lee, G.; Lee, J.; Lyson; Nething; O'Connell; Oehlke; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1194, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1295:** A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 39-06-14, subsection 3 of section 39-27-05, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles.

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Warner

**NAYS:** Erbele; Oehlke; Stenehjem

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1295, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to reporting requirements in safety grant programs; to amend and reenact subsection 31 of section 65-01-02 and sections 65-01-13, 65-03-04, and 65-04-15 of the North Dakota Century Code, relating to definition of wages, information fund, safety grant awards, and confidentiality of employer files for workforce safety and insurance purposes; and to repeal section 65-03-03 of the North Dakota Century Code, relating to rules for mine foremen.



**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1151, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the possession of a firearm in a park.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1389 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1457:** A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-03 of the North Dakota Century Code, relating to the hearing for a traffic violation.

**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, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Holmberg; O'Connell

**NAYS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

HB 1457 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1545:** A BILL for an Act to provide for a legislative council study relating to the feasibility and desirability of creating a new type of limited liability company called a low-profit limited liability company.

**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 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**NAYS:** Cook; Fischer; Flakoll; Grindberg; Miller

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed HB 1545 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1147:** A BILL for an Act to amend and reenact sections 43-02.2-02, 43-02.2-04, and 43-02.2-04.1, subsections 1 and 5 of section 43-02.2-06, subsection 1 of section 43-02.2-09, section 43-02.2-10, subsections 1 and 3 of section 43-02.2-11, and subsections 1, 2, 3, 5, 6, and 7 of section 43-02.2-12 of the North Dakota Century Code, relating to certified public accountants and the practice of public accountancy.

#### **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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

HB 1147 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2033:** A BILL for an Act to amend and reenact section 57-38-01.8 of the North Dakota Century Code, relating to an income tax credit for installation of geothermal, solar, wind, or biomass energy devices; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

**ABSENT AND NOT VOTING:** Mathern; Wardner

Engrossed SB 2033, as amended, passed and the title was agreed to.

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#### **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:** 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 unchanged: HB 1323.

**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 failed to pass unchanged: HB 1221, HB 1515.

**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.

**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 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.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2141**

Page 1, line 3, after "exploration" insert "; to provide for a legislative council study; and to provide for a penalty"

Page 2, line 13, replace "articles in the North Dakota Administrative Code which are" with "laws and regulations relating to air, water, and land management"

Page 2, line 15, after "**operations**" insert "**- Penalties**"

Page 2, line 18, after the underscored period insert "Service of the notice of drilling operations must conform to personal service provisions in rule 4 of the North Dakota Rules of Civil Procedure. If the mineral developer fails to provide the proper notice, the surface owner may petition the industrial commission to fix a date for a hearing and give notice. Following the notice and hearing, the commission, as provided for in sections 38-08-16 and 38-08-17, may conduct investigations, restrain from further violation, and impose civil and criminal penalties."

Page 3, line 29, replace "reasonable" with "double"

Page 5, after line 19, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - ALTERNATIVES TO SETTLEMENTS WHEN REJECTED.** During the 2009-10 interim, the legislative council shall consider studying alternatives to damage and disruption payment settlement if the person seeking compensation rejects the offer of the mineral developer. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2157**

Page 1, line 6, replace "seventeen" with "sixteen"

Page 1, line 8, after the underscored period insert "Any notification of a medical condition must be mailed to the donor and the donor's parent or guardian."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2168**

Page 4, line 21, overstrike "and" and insert immediately thereafter "or"

Page 5, line 2, overstrike "coroner's medical deputy" and insert immediately thereafter "assistant or deputy coroner"

Page 9, line 16, overstrike "examiner" and insert immediately thereafter "examiner's office"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2405**

Page 1, line 14, replace "beginning" with "ending"

Page 1, line 15, replace "December 31, 2008" with "April 30, 2009"

Renumber accordingly

**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:** 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 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.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members 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., Wednesday, March 18, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1068: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1068 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "one hundred" with "sixty"

Page 1, line 15, replace "fifty" with "thirty"

Page 2, line 5, replace "fifty" with "thirty"

Page 2, line 7, replace "one hundred" with "sixty"

Page 2, line 10, replace "fifty" with "thirty"

Page 2, line 22, replace "fifty" with "thirty"

Page 2, line 24, replace "one hundred" with "sixty"

Page 2, line 25, replace "fifty" with "thirty"

Page 3, line 1, replace "fifty" with "thirty"

Page 3, line 4, replace "fifty" with "thirty"

Page 3, line 5, replace "one hundred" with "sixty"

Page 3, line 9, replace "fifty" with "thirty"

Page 3, line 26, replace "fifty" with "thirty"

Page 3, line 28, replace "one hundred" with "sixty"

Page 3, line 30, replace "fifty" with "thirty"

Page 4, line 5, replace "fifty" with "thirty"

Page 4, line 7, replace "fifty" with "thirty"

Page 5, line 1, replace "fifty" with "thirty"

Page 5, line 2, replace "one hundred" with "sixty"

Page 5, line 4, replace "fifty" with "thirty"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1109: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1185, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1185 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1386, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1407, as reengrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1407 was placed on the Sixth order on the calendar.

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

Page 1, line 2, remove the first "and" and after "57-40.3-10" insert ", 57-43.1-06, and 57-43.2-04.2"

Page 1, line 3, remove "and"

Page 1, line 4, after "fund" insert "; and to provide an expiration date"

Page 7, remove lines 6 through 17

Page 7, line 24, overstrike "Any" and insert immediately thereafter "The state treasurer shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any"

Page 7, line 26, overstrike "Sixty-three" and replace "and twenty-eight hundredths" with "Sixty-one and three-tenths"

Page 7, line 29, replace "seventy-four hundredths" with "seven-tenths"

Page 8, line 1, replace "fifty-three hundredths" with "five-tenths"

Page 8, line 3, replace "Thirty-two and forty-five hundredths" with "Thirty-four and five-tenths"

Page 10, line 27, remove "after moneys are deposited in the state aid distribution fund under"

Page 10, line 28, remove "section 57-39.2-26.1"

Page 10, line 29, replace "fifty percent" with "the first two million seven hundred thousand dollars per biennium to be transferred to the township highway fund and then"

Page 10, line 30, remove "and fifty percent to the highway tax distribution fund"

Page 10, after line 30, insert:

**"SECTION 5. AMENDMENT.** Section 57-43.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-06. Refund to prevent taxation by multiple jurisdictions.** Any person to whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state which requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

**SECTION 6. AMENDMENT.** Section 57-43.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions.** Any person to whom special fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state that requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state."

Page 11, after line 2, insert:

**"SECTION 8. EXPIRATION DATE.** Section 4 of this Act is effective through June 30, 2011, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1413, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1459, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 2, after "engineers" insert "; to provide for the control or eradication of noxious weeds on publicly owned lands; and to provide for a legislative council study"

Page 1, after line 20, insert:

#### **"SECTION 3. Publicly owned land - Noxious weed control or eradication.**

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.

2. Each weed control officer shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within the weed control officer's jurisdiction.
3. If a federal agency does not control or eradicate noxious weeds on land under the jurisdiction of the agency and does not develop a management plan for controlling or eradicating the noxious weeds, the appropriate weed control office shall notify the agency of the failure to control or eradicate the noxious weeds. The federal agency shall provide a report to the weed control authorities detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.
4. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

**SECTION 4. LEGISLATIVE COUNCIL STUDY - WEED CONTROL PROGRAMS.** During the 2009-10 interim, the legislative council shall consider studying the weed control programs of the army corps of engineers on federal land under its control, including whether the army corps of engineers is in compliance with federal and any applicable state weed control laws, whether the army corps of engineers sufficiently budgets funds to address weed control on army corps of engineers' land, and whether Congress provides proper funding for weed control on army corps of engineers' land. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1484: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1484 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1489, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "or adapting a new facility"

Page 1, line 14, remove "or adapting a new facility"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1491, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1491 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1525, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1525 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1543, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1543 was placed on the Sixth order on the calendar.

Page 1, line 2, after "products" insert "; and to provide for a report to the legislative council regarding the procurement of North Dakota food products"

Page 1, after line 9, insert:

**"SECTION 2. OFFICE OF MANAGEMENT AND BUDGET - PROCUREMENT OF NORTH DAKOTA FOOD PRODUCTS - REPORT TO LEGISLATIVE COUNCIL.**

Before August 1, 2010, the office of management and budget shall report to the legislative council regarding its estimate of the total percentage of North Dakota products which represents the total food expenditures of state agencies, institutions of higher education under the control of the state board of higher education, and political subdivisions and the fiscal value of North Dakota products in comparison to out-of-state products utilized annually which are purchased by state agencies, institutions of higher education under the control of the state board of higher education, and political subdivisions."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1575, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1575 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Fourteenth order on the calendar.

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

**Fran A. Gronberg, Secretary**