

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, March 11, 2009

The Senate convened at 12:30 p.m., with President Pro Tem Fischer presiding.

The prayer was offered by Chaplain Dan Sweeney, Bismarck Police Department, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1230, as reengrossed and amended: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ page 710 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1322, as reengrossed and amended: SEN. TRIPLETT (Natural Resources Committee) MOVED that the amendments on SJ page 711 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1225, as reengrossed: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ page 710 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1253, as engrossed and amended: SEN. POMEROY (Natural Resources Committee) MOVED that the amendments on SJ page 711 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1392, as engrossed and amended: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ page 711 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to amend and reenact sections 43-06-18, 43-06-19, 43-10-24, 43-18.1-09, 43-18.2-12, 43-23-17, 43-25-19, 43-33-18, 43-40-18, 43-41-14, 43-42-07, 43-45-08, and 43-48-16 of the North Dakota Century Code, relating to penalty provisions under occupational and professional licensing laws; to repeal section 43-41-13 of the North Dakota Century Code, relating to bribery and false statements in seeking licensure from the board of social work examiners; and to provide penalties.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1024 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to create and enact four new sections to chapter 54-06 of the North Dakota Century Code, relating to state employee service awards, employer-paid tuition, and employer-paid professional organization membership and service club dues.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1029, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1060 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact subsection 15 of section 27-20-02, sections 27-20-32.2 and 27-20-38, and subsection 5 of section 50-11-00.1 of the North Dakota Century Code, relating to placement of siblings in foster care and a guardian's duty to exercise due diligence.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1094 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to feral swine; and to provide a penalty.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais;

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

Engrossed HB 1110, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact section 15-05-07 of the North Dakota Century Code, relating to the board of university and school lands requesting the state geologist to determine the existence of coal.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to the transfer of oil and gas gross production tax and oil extraction tax revenues.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to create and enact a new subsection to section 26.1-01-07 and a new section to chapter 26.1-26 of the North Dakota Century Code, relating to fees charged for insurance producer license continuation; to amend and reenact sections 26.1-26-20, 26.1-26-31, 26.1-26-31.1, and 26.1-26-50 of the North Dakota Century Code, relating to insurance producer continuing education requirements and penalties; to repeal sections 26.1-26-31.4 and 26.1-26-31.8 of the North Dakota Century Code, relating to insurance producer continuing education requirements; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy;

Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1192 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact section 47-24.1-10 of the North Dakota Century Code, relating to custodianships for property of minors.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1321: A BILL for an Act to amend and reenact sections 61-06-09, 61-06-10, 61-06-11, 61-06-13, 61-06-14, 61-06-15, and 61-06-16 of the North Dakota Century Code, relating to allowing the board of directors of an irrigation district to hold mail ballot elections.

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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 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; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: O'Connell

Engrossed HB 1321 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to the removal of appointed political subdivision officers; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1369 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1402: A BILL for an Act to amend and reenact section 4-28-07.1 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-13-15 of the North Dakota Century Code, relating to the wheat assessment; to provide an effective date; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1402 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to amend and reenact subdivisions c and f of subsection 1 of section 40-63-03 and subsection 5 of section 40-63-07 of the North Dakota Century Code, relating to extension of the duration of a renaissance zone program, available income tax credits for renaissance zone investments, and designation of additional blocks as part of a renaissance zone; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1428 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to the exempt amount of designated pre-need funeral service contracts in considering eligibility for medical assistance.

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; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1477 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to continuation of unspent appropriation authority at the

end of a biennium; to create a government innovation and efficiency grant program; to create a state employee innovation award program; to provide reports to the legislative council; to provide a contingent appropriation; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Fiebiger; Horne; Lee, J.; Mathern; Potter; Seymour

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

HB 1513 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution endorsing the concept of regional capability response to manmade and natural disasters in North Dakota.

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

Engrossed HCR 3011 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

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

HCR 3036 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1322 be returned to the Senate floor from the **Appropriations Committee**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1225 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Reengrossed HB 1225 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1472 be deemed properly engrossed, which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1030, HB 1072, HB 1115, HB 1118, HB 1122, HB 1132, HB 1149, HB 1150, HB 1163, HB 1164, HB 1220, HB 1287, HB 1326, HB 1414, HCR 3001.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1117, HB 1270, HB 1482.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1063, HB 1129, HB 1145, HB 1249, HB 1303, HB 1307, HB 1378, HB 1463.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3019, HCR 3052, HCR 3054, HCR 3058, HCR 3061.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2026, SB 2135, SB 2140, SB 2149, SB 2150, SB 2254, SB 2299, SB 2375, SB 2377.

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

MR. PRESIDENT: The Speaker has signed: SB 2026, SB 2135, SB 2140, SB 2149, SB 2150, SB 2254, SB 2299, SB 2375, SB 2377.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1027, HB 1048, HB 1064, HB 1101, HB 1130, HB 1135, HB 1153, HB 1223, HB 1257, HB 1277, HB 1291, HB 1296, HB 1340, HB 1345, HB 1367, HB 1420, HB 1460, HB 1497, HB 1566.

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 12:30 p.m., Thursday, March 12, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4030: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "an oil tax trust" with "a legacy" and remove "and a North Dakota"

Page 1, line 3, remove "student scholarship fund"

Page 1, line 5, replace "an oil tax trust" with "a legacy" and remove "and a North Dakota student scholarship fund"

Page 1, line 6, replace "funds" with "fund"

Page 1, line 15, replace "1. Twenty-five" with "The first twenty-five" and replace "the state's share of" with "all"

Page 1, line 17, replace "oil tax trust" with "legacy"

Page 1, line 18, replace "oil tax trust" with "legacy"

Page 1, line 21, replace "oil tax trust" with "legacy" and after "expended" insert ", except revenue derived after December 31, 2040, may be expended if appropriated by a two-thirds vote of each house of the legislative assembly. The state investment board shall invest the principal of the legacy fund. The state treasurer shall transfer earnings of the legacy fund to the state general fund at the end of each fiscal year"

Page 1, remove lines 22 through 25

Page 2, replace lines 1 through 3 with:

"SECTION 2. LEGISLATIVE INTENT. This section is adopted as a statement of intent and the secretary of state shall exclude this section when sections 1 and 2 of this measure are submitted to the qualified electors of North Dakota at the general election to be held in 2010. It is the intent of the Sixty-first Legislative Assembly that if sections 1 and 2 of this measure are approved by the qualified electors of North Dakota, the Sixty-second Legislative Assembly shall develop and enact legislation necessary to avoid any reduction in the relative shares of oil and gas production and extraction tax revenues which existed at the time of the 2010 general election for impact grants, political subdivisions, the oil and gas research fund, water development bond principal and interest payments and the resources trust fund, the common schools trust fund, and the foundation aid stabilization fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1061: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1084: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1087: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1087 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1097, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1097 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1099, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1099 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1137: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1137 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1141: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1184, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1201: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1202: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "**(Effective through July 31,**" remove "**2015**", and overstrike the closing boldfaced parenthesis

Page 4, line 5, overstrike "**(Effective after July 31,**" remove "**2015**", and overstrike "**) Powers.**
The Bank of North Dakota may:"

Page 4, overstrike lines 6 through 31

Page 5, overstrike lines 1 through 30

Page 6, overstrike lines 1 through 11

Page 6, line 14, overstrike "**(Effective through July 31,**" remove "**2015**", and overstrike the closing boldfaced parenthesis

Page 6, line 19, after the period insert "The funds for the entrepreneurship awards under section 3 of this Act may not exceed one million dollars."

Page 6, line 20, remove "Receive" and overstrike "funds not to exceed ten million dollars from the Bank of North"

Page 6, line 21, overstrike "Dakota", remove "under subdivision c of subsection 4 of section 6-09-15,", and overstrike "for the purpose of"

Page 6, line 22, overstrike "investing in North Dakota alternative and venture capital investments" and remove the underscored comma

Page 6, line 23, overstrike "early-stage capital funds" and remove ", and entrepreneurship awards under section 3 of this Act."

Page 6, line 24, remove "The funds for the entrepreneurship awards may not exceed one million dollars" and overstrike the period

Page 6, line 25, overstrike "The corporation may provide" and insert immediately thereafter "Provide"

Page 6, line 27, overstrike "**(Effective after July 31,**", remove "**2015**", and overstrike "**) Powers.** The corporation must be organized as a"

Page 6, overstrike lines 28 through 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1205, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1205 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1229 was placed on the Sixth order on the calendar.

Page 3, line 25, after the underscored period insert "However, the rights of a prior listed lienholder are not affected by this transfer and the department may not remove a prior lienholder in this transfer of title without a release from the lienholder."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1268: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1273: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1323, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1323 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1333: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 1, line 6, after "under" insert "chapter 19-03.1 or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1353, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1353 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1382: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1430, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1430 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1435, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "including:"

Page 1, remove lines 15 through 17

Page 1, line 18, remove "(2) Two and one-half additional social studies units," and overstrike "which may include"

Page 1, overstrike line 19

Page 1, line 20, overstrike "studies" and insert immediately thereafter "including:"

- (1) One unit of United States history;
- (2) (a) One-half unit of United States government and one-half unit of economics, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights; or
- (b) One unit of problems of democracy, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights; and
- (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1455, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1455 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1496, as reengrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to title 36 of the North Dakota Century Code, relating to an equine assessment and to require a bond; to provide for an equine processing facility feasibility study; to create an advisory committee; to provide an appropriation; to provide a continuing appropriation; and to provide for legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to title 36 of the North Dakota Century Code is created and enacted as follows:

Initiation of legal action - Bond - Liability for fees and costs.

1.
 - a. If a person files an action seeking to stop or otherwise delay the construction of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of constructing the facility.
 - b. If the person bringing the action does not ultimately prevail, that person is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
 - c. For purposes of this subsection, construction includes the purchase and remodeling of an existing structure to serve as an equine processing facility.
2.
 - a. If a person files an action seeking to estop the operation of an equine processing facility, the court shall require the person filing the action to post a surety bond in an amount at least equal to twenty percent of the estimated cost of operating the facility during the time the action is pending.
 - b. If the court issues an injunction that estops the operation of the facility while the action is pending and if the person bringing the action does not ultimately prevail, the person bringing the action is liable for all financial losses incurred by the facility during the time the action was pending and all attorney's fees and costs incurred by the facility in defending the action.
3. If a person required to post a bond under this section does not do so within thirty days of filing the action, the court shall dismiss the action.

SECTION 2. A new section to title 36 of the North Dakota Century Code is created and enacted as follows:

Assessment - Continuing appropriation - Provision of grants.

1. For each equine processed at an equine processing facility in this state, the owner of the facility shall submit to the agriculture commissioner, at the time and in the manner directed by the commissioner, an assessment in the amount of five dollars. The commissioner shall forward the assessment to the state treasurer for deposit in the equine processing fund.
2. All moneys in the equine processing fund are appropriated on a continuing basis to the agriculture commissioner to be used as follows:
 - a. The agriculture commissioner shall return to the state general fund the fifty thousand dollars appropriated to the department of commerce for the equine processing facility feasibility study.
 - b. Upon completion of the requirement set forth in subdivision a, the commissioner shall:
 - (1) Provide an annual grant equaling forty percent of any assessments collected to Dickinson state university in support of the equine management program;
 - (2) Provide an annual grant equaling forty percent of any assessments collected to North Dakota state university in support of the equine studies program; and

- (3) Provide an annual grant equaling twenty percent of any assessments collected to public or private entities conducting equine research or offering hippotherapy to individuals with disabilities.

SECTION 3. EQUINE PROCESSING FACILITY FEASIBILITY STUDY.

1. During the 2009-10 interim, the department of commerce shall conduct an equine processing facility feasibility study. The study must begin with a review of federal laws, regulations, policies, and guidelines regarding equine processing and an evaluation of the potential for amendments and modifications. If an equine processing facility is determined to be permissible under existing laws, the study may proceed to:
 - a. Address the cost of constructing a new equine processing facility in this state;
 - b. Determine whether any existing structures could be converted to an equine processing facility and the cost of converting the structures;
 - c. Determine the nature and scope of existing and potential markets, both domestic and international, for equine meat and other byproducts of equine processing; and
 - d. Examine the potential for obtaining loans, grants, and other incentives in order to further the development of an equine processing facility.
2. The department shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 4. ADVISORY COMMITTEE - REIMBURSEMENT FOR EXPENSES. The department of commerce may appoint a five-member committee to provide advice and guidance to the department regarding the feasibility study provided for in section 3 of this Act. The department may use up to \$5,000 of the amount appropriated under section 5 of this Act to provide reimbursement for expenses, as allowed by law for state officers, to any member of the advisory committee who does not serve on the committee by virtue of the individual's public office or public employment.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of conducting the equine processing facility feasibility study as provided under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department may expend the moneys appropriated under this section only if matching funds are obtained on a dollar-for-dollar basis.

SECTION 6. LEGISLATIVE INTENT - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION - CONSIDERATION OF GRANT PROPOSAL. It is the intent of the legislative assembly that the agricultural products utilization commission consider making a grant available under section 4-14.1-03.1 to assist with the requirement for matching funds as provided under section 2 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1500: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1500 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1525, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1525 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HCR 3023: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

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

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

HCR 3052: A concurrent resolution to create and enact a new section to article V of the Constitution of North Dakota, relating to executive branch organization.

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

HCR 3054: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a North Dakota legacy fund; and to provide an effective date.

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

HCR 3058: A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

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

HCR 3061: A concurrent resolution directing the Legislative Council to study educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery.

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

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

Fran A. Gronberg, Secretary

