

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1492

2007 HOUSE AGRICULTURE

HB 1492

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1492**

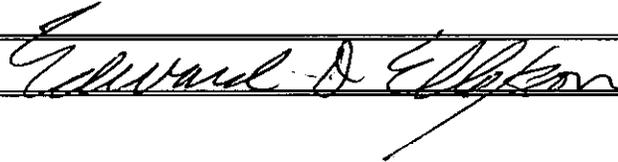
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-8-07

Recorder Job Number: 2677

Committee Clerk Signature



Minutes:

Chairman Johnson opened the hearing on HB 1492.

Rep Chuck Damschen, Dist 10, introduced and gave an explanation of the bill. The bill relates to a penalty for violation of the corporate farming provisions. It's very simple - it's three pages to change about four words. (Unable to hear the testimony on the recorder)

Rep Mueller: What we're doing is increasing the potential fine level for some groups. I don't know if that is good or bad, I just want to know if that is what we're doing.

Damschen: I am not properly prepared to define those levels. I apologize, but maybe someone here can answer that. The fine only happens if they are found in violation of the law. They have a year to adjust the sale. If they haven't made an effort to do that in a year, they would be assessed the \$100,000 fine.

Rep Mueller: Are all corporations subject. Are some family corporations going to be liable for the larger fine? I need to have that question answered.

Rep Brandenburg: We need to do more research on this bill.

Chairman Johnson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1492

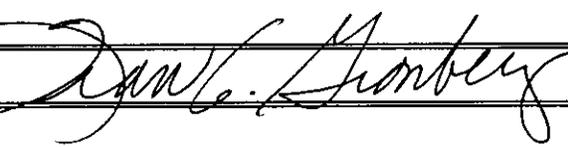
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 2-8-07

Recorder Job Number: 3233

Committee Clerk Signature



Minutes:

Chairman Johnson called the committee back to order and asked them to look at HB 1492.

That is Rep. Damschen's corporate farming issue. Amendments are here to be reviewed.

Do these amendments address the concerns you had or do you want more specific information.

Rep Headland: I believe they do. They identify the non-profit. There is a section that identifies non profit corporations and their ability to own land.

Chairman Johnson: Jordan, our intern, addressed that issue and said that is non profit.

Rep Headland: There is a section that the council identified as non profit and their ability to own land. Is it taking out the increased penalty then?

Rep Mueller: It says that you can go up to \$100,000.

Chairman Johnson: Not to exceed.

Rep Mueller: Is this all determined by the Secretary of State? Is this what the author intended? Is this current language in the law?

Jordan, Intern: Yes

Rep Headland: This being the case, I'll move the amendments.

Rep Boe: Seconded the motion.

The motion to approve the amendments passed on a voice vote

Chairman Johnson: We have HB 1492 before us as amended. May I have a motion.

Rep Wall: On line 10 on page 3 of the original bill, it says it may be dissolved or terminated by the Attorney General. That was line 29. One is the Secretary of State and one is the Attorney General. See page 3, line 29. I believe that the first part of the amendment has to do with non complying with a court ordered penalty. The current law goes on to identify further laws that the entity would have to follow. If they were in violation of those further laws not anyway related to the court case, then the attorney general would be the corporate body who would impose that fine. So there are two government entities in this situation that could impose this fine. The Secretary of State for those in violation of a court order and the Attorney General for those in violation of the law itself not related to the court order. It makes sense to me.

Jordan: It makes sense.

Rep Headland: I understand what Rep. Damschen is trying to do here, but I am concerned that he has lost interest. I asked him about the amendments. He was going to do it and he didn't get it done. I did it for him. I don't know if this is a good bill or not. I know what it's trying to do, but I don't really have an opinion whether it is the right thing to do or not.

Chairman Johnson: Did you have a chance to visit with Rep. Damschen and tell him what we are doing?

Rep Mueller: Mr. Chairman I visited with Rep Damschen too right before I came down here and what Rep. Headland is saying is exactly right. The point being he has lost interest.

Rep Headland moved a Do Pass as Amended

Rep Boe seconded the motion

(Yes) 9 (No) 3 (Absent) 1

Page 3

House Agriculture Committee

Bill/Resolution No. HB1492

Hearing Date: 2-8-07

Carrier: Rep. Headland

The hearing was closed.

Date: 2-8-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1492

House AGRICULTURE Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep Headland Seconded By Rep Bae

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Bae	✓	
Joyce Kingsbury Vice Chairman	✓		Rodney J Froelich		✓
Wesley Belter <u>out</u>			Phillip Mueller	✓	
Mike Brandenburg		✓	Kenton Onstad	✓	
Mike Brandenburg			Ben Vig	✓	
Craig Headland	✓				
Brenda Heller	✓				
John D Wall		✓			
Gerry Uglem	✓				

Total (Yes) 9 No 3

Absent 1

Floor Assignment Rep Headland

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1492: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1492 was placed on the Sixth order on the calendar.

Page 2, line 2, remove the overstrike over "~~twenty-five~~"

Page 2, line 3, remove "one hundred"

Page 2, line 4, after the period insert "Any corporation or limited liability company under section 10-06.1-09 which fails to comply with the court's order is subject to a civil penalty not to exceed one hundred thousand dollars and may be dissolved or terminated by the secretary of state."

Page 3, line 26, after the period insert:

"10. The civil penalty for a violation of section 10-06.1-09 may not exceed one hundred thousand dollars."

Page 3, line 27, overstrike "10." and insert immediately thereafter "11." and overstrike "Any" and insert immediately thereafter "Except as provided in subsection 10, any"

Page 3, line 28, remove the overstrike over "~~twenty-five~~" and remove "one hundred"

Renumber accordingly

2007 SENATE AGRICULTURE

HB 1492

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1492

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: March 9, 2007

Recorder Job Number: 4786

Committee Clerk Signature

Cassie Krow

Minutes:

Sen. Flakoll opened the hearing on HB 1492, a bill relating to a penalty for violation of the corporate farming provisions. All members (7) were present.

Rep. Damschen, district 10, testified in favor of the bill.

Rep. Damschen- This bill is not complicated, it raises the penalty to \$100,000 which would act as more of a deterrent.

Sen. Flakoll- so lets say a group like lets say the sisters of the parish receive land in a donation if they don't do the proper procedures by a certain period of time they would get that fine?

Rep. Damschen- I don't think that it applies to a non-profit organization.

No opposition

Sen. Flakoll closed the hearing.

Sen. Wanzek motioned to move amendments and was seconded by Sen. Klein, roll call vote 1: 7 yea, 0 nay, 0 absent. **Sen. Wanzek** motioned for a do pass as amended and was seconded by **Sen. Klein**, roll call vote 2: 6 yea, 1 nay, 0 absent. **Sen. Wanzek** was designated to carry the bill to the floor.

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Adopted by the Agriculture Committee
March 9, 2007


3-9-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1492

Page 2, line 1, overstrike "Any" and insert immediately thereafter "Except as otherwise provided in subsection 10, any"

Page 2, remove lines 4 through 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1492, 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 1492 was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "Any" and insert immediately thereafter "Except as otherwise provided in subsection 10, any"

Page 2, remove lines 4 through 6

Renumber accordingly