

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, March 28, 2003

The House convened at 8:30 a.m., with Speaker Wentz presiding.

The prayer was offered by Rev. David Birkeland, United Methodist Church, Bowbells.

The roll was called and all members were present except Representatives Belter, Boe, Boucher, Carlson, Delzer, Devlin, Drovdal, Iverson, Kasper, Klein, F., Meier, Skarphol, Thoreson, Timm, Wald, Williams, Wrangham, and Wentz.

A quorum was declared by the Speaker.

## COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 27, 2003, I have signed the following: HB 1191.

## SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to HCR 3078, SB 2045, SB 2086, SB 2188, SB 2314, SB 2345, SB 2418, SCR 4001 and SCR 4029 be adopted, which motion prevailed.

HCR 3078, as amended, was placed on the Eleventh order of business on the calendar.

SB 2045, SB 2086, SB 2188, SB 2314, SB 2345, SB 2418, SCR 4001 and SCR 4029, as amended, were placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2064:** A BILL for an Act to amend and reenact section 54-23.2-09 of the North Dakota Century Code, relating to state radio communications collection of 911 service fees for wireless access lines; 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 73 YEAS, 2 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulletson; Haas; Hanson; Hawken; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** Grosz; Headland

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Hunskor; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

SB 2064 passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2089:** A BILL for an Act to amend and reenact section 50-24.1-17 of the North Dakota Century Code, relating to medical assistance for breast or cervical cancer; 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 76 YEAS, 0 NAYS, 0 EXCUSED, 18 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

SB 2089 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2147:** A BILL for an Act to create and enact six new sections to chapter 12-65 of the North Dakota Century Code, relating to the supervision of adult offenders; to amend and reenact subsection 3 of section 12-47-36, subsection 4 of article 2 and subsection 2 of article 3 of section 12-65-01, and subsection 1 of section 54-57-03 of the North Dakota Century Code, relating to records of persons in the custody of or under the supervision and management of the department of corrections and rehabilitation, hearings before administrative law judges, and supervision of adult offenders; to repeal chapters 12-56 and 12-56.1 of the North Dakota Century Code and section 2 of chapter 141 of the 2001 Session Laws, relating to out-of-state parolee supervision, hearings for interstate parolees and probationers, and elimination of the expiration date of laws relating to the interstate compact for adult offender supervision; and to provide a penalty.

**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 74 YEAS, 0 NAYS, 0 EXCUSED, 20 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Haas; Hunskor; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2147 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a provider assessment for intermediate care facilities for the mentally retarded; and to provide a penalty.

**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 73 YEAS, 0 NAYS, 0 EXCUSED, 21 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz;

Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Froelich; Hunsakor; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2153 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2310:** A BILL for an Act to provide for a legislative council study of wind energy development.

### 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 71 YEAS, 2 NAYS, 0 EXCUSED, 21 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** Clark; Grande

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Froelich; Hunsakor; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2310 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2343:** A BILL for an Act to create and enact a new section to chapter 10-06.1 of the North Dakota Century Code, relating to corporate or limited liability farming.

### 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 10 YEAS, 65 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Brusegaard; DeKrey; Haas; Hawken; Johnson, N.; Klein, M.; Porter; Ruby; Weisz

**NAYS:** Aarsvold; Amerman; Berg; Boehning; Carlisle; Clark; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Headland; Herbel; Hunsakor; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2343 lost.

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**SECOND READING OF SENATE BILL**

**SB 2150:** A BILL for an Act to create and enact two new sections to chapter 39-06.2 of the North Dakota Century Code, relating to furnishing driving record information and to records of imminent hazard disqualification of commercial drivers; and to amend and reenact subsection 67 of section 39-01-01 and sections 39-06.2-02 and 39-06.2-10 of the North Dakota Century Code, relating to definitions and disqualification of commercial motor vehicle operators.

**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 63 YEAS, 12 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froseth; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** Amerman; Bellew; Froelich; Galvin; Grande; Grosz; Keiser; Kerzman; Ruby; Severson; Sitte; Weiler

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2150 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2223:** A BILL for an Act to authorize for a city or county to require the submission of fingerprints of an applicant for certain city or county employment.

**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 73 YEAS, 2 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** Pollert; Ruby

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2223 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2297:** A BILL for an Act to amend and reenact section 23-38-02 of the North Dakota Century Code, relating to the community health grant program; to provide for an appropriation; and to provide for an exemption.

**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 69 YEAS, 5 NAYS, 0 EXCUSED, 20 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** Dosch; Galvin; Grosz; Ruby; Weiler

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovda; Hunskor; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2297, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2380:** A BILL for an Act to amend and reenact section 54-34.3-12 of the North Dakota Century Code, relating to the value-added agriculture promotion program.

**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 18 YEAS, 55 NAYS, 0 EXCUSED, 21 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Brusegaard; Clark; DeKrey; Delmore; Grande; Gulleson; Johnson, N.; Kelsch, R.; Kelsh, S.; Kretschmar; Maragos; Nottestad; Porter; Ruby; Severson; Weisz

**NAYS:** Aarsvold; Berg; Boehning; Carlisle; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Keiser; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovda; Hunskor; Iverson; Kasper; Kempenich; Klein, F.; Meier; Monson; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SB 2380 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution urging the President and Congress to end the embargo on United States agricultural and manufactured products and expand trade with the Republic of Cuba and to end the travel restrictions that prohibit most United States citizens from visiting the Republic of Cuba.

**ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 41 NAYS, 0 EXCUSED, 19 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Brusegaard; DeKrey; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Uglem; Warner; Winrich; Zaiser

**NAYS:** Bellew; Berg; Boehning; Carlisle; Clark; Dosch; Froseth; Galvin; Grande; Grosz; Haas; Headland; Johnson, N.; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Monson; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Svedjan; Tieman; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Acting Speaker Bernstein

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Kempenich; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wentz; Williams; Wrangham

Engrossed SCR 4007, as amended, lost.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4009:** A concurrent resolution urging the United States Department of Agriculture to fully implement the conservation security program of the 2002 Farm Security and Rural Investment Act in order to assist farmers with the cost of conserving vital agricultural resources.

#### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 1 NAY, 0 EXCUSED, 22 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Brusegaard; Carlisle; Clark; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Bernstein

**NAYS:** DeKrey

**ABSENT AND NOT VOTING:** Belter; Boe; Boucher; Carlson; Delzer; Devlin; Drovdal; Iverson; Kasper; Kelsch, S.; Kempenich; Klein, F.; Koppelman; Meier; Skarphol; Thoreson; Timm; Wald; Warner; Wentz; Williams; Wrangham

SCR 4009 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1035 as printed on HJ pages 869-870 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1035: Reps. DeKrey, Grande, Eckre.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1037 as printed on HJ page 985 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1037: Reps. Porter, Pietsch, Potter.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. M. KLEIN MOVED** that the House do not concur in the Senate amendments to HB 1043 as printed on HJ page 892 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1043: Reps. Grande, Klemin, Winrich.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1051 as printed on HJ page 818 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1051: Reps. Klemin, Kretschmar, Delmore.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1112 as printed on HJ pages 969-972 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1112: Reps. Ruby, Weisz, Thorpe.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do not concur in the Senate amendments to HB 1197 as printed on HJ page 984 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1197: Reps. Pollert, Uglem, Mueller.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NELSON MOVED** that the House do not concur in the Senate amendments to HB 1218 as printed on HJ pages 1002-1003 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1218: Reps. Drovdal, F. Klein, Solberg.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1292 as printed on HJ pages 985-986 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1292: Reps. Hawken, Weiler, Delmore.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1269 as printed on HJ pages 839-840 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1269: Reps. Porter, Uglem, Niemeier.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1397 as printed on HJ page 953 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1397: Reps. Hawken, Norland, Williams.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1414 as printed on HJ page 858 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1414: Reps. Devlin, Uglem, Amerman.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1438 as printed on HJ page 951 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1438: Reps. Devlin, Wieland, Niemeier.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**SCR 4010:** A concurrent resolution urging Congress to adequately fund and the Secretary of Agriculture to expeditiously implement and expand whole-farm cost of production insurance that is based on a producer's actual production cost history.

**SCR 4022:** A concurrent resolution directing the Legislative Council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota.

**SCR 4005:** A concurrent resolution urging the United States Secretary of Agriculture to implement a cost of production insurance pilot program.

**SCR 4008:** A concurrent resolution directing the Legislative Council to study the need for guardianship services, standards and practices for guardians, and funding for programs for individuals with mental illness, vulnerable elderly individuals, and individuals with traumatic brain injuries.

**SCR 4016:** A concurrent resolution directing the Legislative Council to study those provisions of North Dakota Century Code Title 4 which relate to the powers and duties of the State Seed Commissioner and the State Seed Department.

**SCR 4018:** A concurrent resolution urging all publicly supported entities having food acquisition functions to support North Dakota producers and processors through the purchase of food products grown or produced and processed in this state.

**SCR 4023:** A concurrent resolution urging the Congress to enact a Medicare prescription drug benefit.

**SCR 4037:** A concurrent resolution expressing the Legislative Assembly's support for construction of the North Central Rural Water Consortium Project and the South Central Regional Water District Project.

The question being on the final adoption of the resolutions, which have been read.

SCR 4005, SCR 4008, SCR 4010, SCR 4016, SCR 4018, SCR 4022, SCR 4023, and SCR 4037 were declared adopted on a voice vote, and the titles were agreed to.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1161, HB 1352.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2149 and SB 2190 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2149:** Sens. Trenbeath; Espegard; Taylor

**SB 2190:** Sens. J. Lee; Syverson; Christenson

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1312, HB 1431.



**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1250, HB 1427, HB 1434.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1050, HB 1058, HB 1079, HB 1088, HB 1166, HB 1207, HB 1221, HB 1231, HB 1236, HB 1245, HB 1320, HB 1340, HB 1391, HB 1415, HB 1469, HCR 3024.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1050**

In lieu of the amendments adopted by the Senate as printed on pages 890-891 of the Senate Journal, Engrossed House Bill No. 1050 is amended as follows:

Page 4, line 12, replace "a person" with "an individual"

Page 4, line 13, replace "that person" with "the individual's business operation"

Page 4, line 18, after the underscored period insert "The term does not include a person holding title or an equitable interest in business operations if the primary purpose of the business operation is to provide food or lodging to the general public, chamber of commerce activities, travel agencies, or others that offer free information to attract outdoor and recreational use of their communities."

Page 4, line 23, remove "The term does not"

Page 4, remove lines 24 through 27

Page 17, line 8, replace "A person" with "An individual"

Page 17, line 14, after "dollars" insert "for a resident and four hundred dollars for a nonresident"

Page 17, line 15, after "dollars" insert "for a resident and four hundred dollars for a nonresident"

Page 17, line 16, after "dollars" insert "for a resident and two hundred dollars for a nonresident" and replace "a person" with "the individual"

Page 17, line 18, after "dollars" insert "for a resident and two thousand dollars for a nonresident"

Page 18, replace lines 4 and 5 with:

"3. Guide and outfitter licenses expire on December thirty-first of each year unless revoked at earlier date.

4."

Page 18, line 6, remove "department a renewal fee of the same amount of the license fee."

Page 18, line 26, remove "a resident"

Page 18, line 27, remove "and"

Page 19, line 2, replace "person is" with "individual and the individual's business operation are"

Page 19, line 6, replace "A person" with "An individual"

Page 19, line 8, replace "a person" with "an individual" and replace "had any" with "been convicted of a"

Page 19, line 10, after the underscored period insert "As used in this chapter, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal."

Page 19, after line 13, insert:

- "7. An applicant for a hunting guide license must have legally hunted for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide."

Page 19, line 17, replace the first "shall" with "may" and replace the second "shall" with "may"

Page 19, line 18, after the underscored period insert "If the director requests a trade secret or proprietary information, the director shall request the information on a separate form, and that information is confidential and is not a public record subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. The director may release this information, however, if it is aggregated so as not to identify any guide, outfitter, or client."

Page 19, line 20, replace "persons" with "individuals"

Page 19, line 31, after the underscored period insert "The director shall administer examinations at least twice a year; however, an examination may not be given within ninety days after the previous examination."

Page 20, remove lines 1 and 2

Page 21, line 7, replace "Another" with "Notwithstanding the provisions of chapter 45-11 and 47-25, another" and after the first underscored comma insert "business name, fictitious name, trade name, internet address, world wide web uniform resource identifier,"

Page 21, line 8, replace "committed" with "been convicted of"

Page 21, line 9, replace "violation" with "conviction"

Page 21, line 13, replace "person" with "individual"

Page 21, line 18, replace the second "person" with "individual"

Page 21, line 25, replace "a person" with "an individual"

Page 21, remove lines 28 and 29

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1058**

Page 1, line 10, overstrike "ten" and insert immediately thereafter "seven"

Page 1, line 24, after "law" insert "or the taxing district may elect to apply subsection 5 to determine its general fund levy limitation"

Page 2, after line 4, insert:

- "5. A taxing district that used this section to determine its general fund levy for 2001 or 2002 may use the amount it intended to levy in the 2000 tax year as its "base year" under section 57-15-01.1 or as its "prior school year" under section 57-15-14.

**SECTION 2. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for taxable years beginning after December 31, 2002, and before December 31, 2008, and is thereafter ineffective."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1079**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Superintendent of public instruction - Issuance of credentials to teachers and administrators.** The superintendent of public instruction shall adopt rules governing the issuance of:

1. Credentials for teachers of drivers' education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I mathematics;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for teachers of title I reading;
12. Credentials for school counselors;
13. Credentials for special education strategists;
14. Credentials for teachers of students who have specific learning disabilities;
15. Credentials for superintendents;
16. Credentials for teachers of students who have vision impairments;
17. Credentials for teachers of students who are deaf or hard of hearing;
18. School psychology intern approvals; and
19. Certificate of completion for para educators."

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1088**

Page 1, line 4, replace "section 27-05.2-03" with "sections 12-48-15, 12-48.1-03, 29-26-22, 39-08-20, and 51-04-03.1" and replace "fees charged by the clerk of" with "court administration fees"

Page 1, line 5, remove "the district court"

Page 1, replace lines 7 through 24 with:

**"SECTION 1. AMENDMENT.** Section 12-48-15 of the North Dakota Century Code is amended and reenacted as follows:

**12-48-15. Disposition of moneys earned - Warden to keep account of money earned by inmates - Investment in interest-bearing accounts.**

1. The warden of the penitentiary shall keep an account for each inmate. Not more than fifty percent of an inmate's penitentiary earnings, as provided by penitentiary rules, must be withheld from an inmate and deposited in a separate account for the inmate and may not be made available to the inmate until the inmate's release from the penitentiary, except as authorized by the warden. The remainder of an inmate's earnings must be made available to the inmate on a regular basis.
2. Inmates may, in writing, authorize the warden or designee to deposit any of their accumulated earnings from the prison industries, hobby, work release, or any other prison program in an interest-earning account in the Bank of

North Dakota for the benefit of the inmate. The account must be a two-signature account requiring the inmate's signature and that of an authorized designated officer or employee of the state penitentiary for withdrawal.

3. The warden may directly deposit an inmate's funds from sources outside of the penitentiary in any bank or account the inmate may designate. If a court order does not allow an inmate to designate a bank or account other than a Bank of North Dakota account or if it is necessary for the benefit and protection of the inmate, the warden, upon written explanation to the inmate, shall deposit an inmate's funds from sources outside the penitentiary into a Bank of North Dakota account. The department of corrections and rehabilitation and its divisions, departments, officers, and employees may not be held responsible or liable for any inmate income or funds deposited into a bank or account designated by an inmate.
4. The warden is responsible for guiding inmates in making proper use of their funds to pay their obligations, including the payment of ~~court costs~~ any administration fee, court-appointed counsel fees, court-ordered restitution, support for dependent relatives, or to provide for their own medical, surgical, eye care, or dental treatment or services not generally provided by the state. The warden may withdraw funds from an inmate's penitentiary account or Bank of North Dakota two-signature account, without the inmate's signature, to meet the inmate's legitimate financial obligations. Before the funds may be withdrawn, the inmate must first receive written notice and be provided a penitentiary administrative hearing with the right to penitentiary staff assistance and the right to appeal to the director of the department of corrections and rehabilitation. An inmate is not entitled to prior written notice, administrative hearing, or right to an appeal to the department of corrections and rehabilitation when funds are to be withdrawn for payment of a court-ordered obligation, including child support, provided the inmate has had notice and an opportunity to be heard in the court proceedings.
5. The warden may pay an inmate all funds in the inmate's account, less the inmate's outstanding obligations to the penitentiary, when the inmate is transferred to a county jail or regional correctional center or placed in community corrections confinement. The warden shall pay an inmate all funds in the inmate's account less the inmate's outstanding obligations to the penitentiary when the inmate is transferred to a correctional facility outside of this state, released on parole, or discharged from the penitentiary.

**SECTION 2. AMENDMENT.** Section 12-48.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**12-48.1-03. Use of funds earned on work release.** The plan for the inmate shall provide that any funds earned in outside employment will be used in the following order: for necessary expenses of the inmate, including room and board costs of the institution; ~~court costs or any administration fee and~~ fine; restitution if a part of the sentence; necessary support of dependents; and credited to inmate's personal account to be paid the inmate on release."

Page 2, remove lines 1 through 19

Page 2, line 24, after "fund" insert "certain" and remove "paragraph 2 of"

Page 2, line 25, remove "subdivision a of subsection 1 of" and replace "27-05.2-03" with "29-26-22"

Page 4, after line 7, insert:

**"SECTION 6. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

**29-26-22. Judgment for fines, ~~costs~~, and court administration fee - ~~Statement to be filed by court~~ Special fund - Docketing and enforcement.** In all criminal cases except infractions, upon a plea or finding of guilt, a the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of up to thirty percent of the maximum allowable

~~fine for the offense may be taxed against the defendant in lieu of the assessment of court costs~~ one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony. ~~If the court does assess costs as part of its sentence, the court shall include in the judgment the facts justifying the amount assessed.~~ In addition, in all criminal cases except infractions, the court administration fee must include fifty dollars for deposit in the indigent defense administration fund which must be used to contract for indigent defense services in this state and fifty dollars for deposit in the court facilities improvement and maintenance fund. A court may waive the administration fee upon a showing of indigency as provided in section 25-03.1-13. District court ~~costs~~, administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine, ~~costs~~, or court administration fee, or ~~any combination thereof~~ both, may be docketed; and ~~thereafter if docketed~~ constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed ~~costs or administrative~~ administration fee in installments. When a defendant is assessed ~~costs or administrative~~ administration fees, the court may not impose at the same time an alternative sentence to be served if the ~~costs~~ fees are not paid.

**SECTION 7. AMENDMENT.** Section 39-08-20 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-20. Driving without liability insurance prohibited - Penalty.**

1. A person may not drive, or the owner may not cause or knowingly permit to be driven, a motor vehicle in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance, or use of that motor vehicle in the amount required by chapter 39-16.1. Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required under this section. If unable to comply with the request, that person may be charged with a violation of this section if that person fails to submit satisfactory evidence of the policy to the officer or the officer's agency within twenty days of the date of the request. If that person produces a valid policy of liability insurance in effect at the time of violation of this section to the officer, officer's agency, or a court, that person may not be convicted or assessed any ~~court costs~~ administration fee for violation of this section. If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle. Violation of this section is a class B misdemeanor and the sentence imposed must include a fine of at least one hundred fifty dollars which may not be suspended. A person convicted for a second or subsequent violation of driving without liability insurance within an eighteen-month period must be fined at least three hundred dollars which may not be suspended.
2. Upon conviction for a violation of this section or equivalent ordinance, the person who has been convicted shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of three years and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
3. A person who has been convicted for violation of this section or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars and the fee to remove this notation is fifty dollars.

4. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

**SECTION 8. AMENDMENT.** Section 51-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**51-04-03.1. License to be carried by licensee and exhibited on demand.**

Every transient merchant licensed under this chapter shall have the license in immediate possession at all times when engaging in or transacting any business regulated by this chapter. The licensee shall display the license when requested to do so by any court, law enforcement official, peace officer, or consumer. However, a person charged with violating this requirement may not be convicted, fined, or assessed ~~court costs~~ the administration fee if the license is produced in court or to the arresting officer and if the license was valid at the time of the arrest."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1166**

Page 2, line 23, overstrike "and in no event later than", remove "June", and overstrike "fifteenth"

Page 3, line 23, overstrike "On or before", remove "June", and overstrike "fifteenth of each" and insert immediately thereafter "Upon termination of the school"

Page 4, line 1, overstrike "On or before", remove "June", and overstrike "fifteenth of each" and insert immediately thereafter "Upon termination of the school"

Page 4, line 11, overstrike "On or before", remove "June", and overstrike "fifteenth of each" and insert immediately thereafter "Upon termination of the school"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1207**

Page 6, line 11, remove "use eminent domain proceedings"

Page 6, line 17, remove "eminent domain proceedings"

Page 7, remove lines 3 through 16

Page 7, line 17, replace "**11-36-10**" with "**11-36-09**"

Page 7, line 18, replace "11-36-14" with "11-36-13"

Page 7, line 28, replace "**11-36-11**" with "**11-36-10**"

Page 10, line 5, replace "**11-36-12**" with "**11-36-11**"

Page 10, line 22, replace "11-36-14" with "11-36-13"

Page 10, line 30, replace "**11-36-13**" with "**11-36-12**"

Page 11, line 6, replace "**11-36-14**" with "**11-36-13**"

Page 11, line 14, replace "**11-36-15**" with "**11-36-14**"

Page 11, line 23, replace "11-36-11" with "11-36-10"

Page 11, line 27, replace "**11-36-16**" with "**11-36-15**"

Page 11, line 29, remove "already"

Page 11, line 30, replace "**11-36-17**" with "**11-36-16**"

Page 13, line 18, remove "Eminent domain proceedings under this section may be instituted by the joint"

Page 13, remove lines 19 through 23

Page 13, line 24, remove "d."

Page 13, line 28, replace "11-36-12" with "11-36-11"

Page 13, line 29, replace "e." with "d."

Page 13, line 30, replace "11-36-12" with "11-36-11"

Page 14, line 13, replace "11-36-18" with "11-36-17"

Page 14, line 22, replace "11-36-19" with "11-36-18"

Page 14, line 26, replace "11-36-20" with "11-36-19"

Page 15, line 25, replace "11-36-21" with "11-36-20"

Page 16, line 4, remove "The adjoining state or public entity has the"

Page 16, remove lines 5 through 9

Page 16, line 13, replace "11-36-22" with "11-36-21"

Page 16, line 16, replace "11-36-23" with "11-36-22"

Page 16, line 22, replace "11-36-16" with "11-36-15"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1221**

Page 6, line 23, replace "and" with an underscored comma and after "department" insert ", and any other person authorized by law"

Page 6, line 29, overstrike "A person who discloses the identity of a"

Page 6, line 30, remove "test subject" and overstrike "under subsection 3, 4, 5, 6, 7, or 8 is guilty of a class C"

Page 6, line 31, overstrike "felony."

Page 7, line 18, after "subsection" insert "because the facility was not aware of the exposure or it was not reasonably possible to conduct testing"

Page 7, line 29, overstrike "may" and insert immediately thereafter "must" and overstrike "the most" and insert immediately thereafter "a reasonably"

Page 7, line 30, overstrike "possible" and remove the overstrike over "~~has~~"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1231**

Page 3, line 8, after the first "debtor" insert ", between a credit union and debtor,"

Page 3, line 9, after "debtor" insert ", between a credit union and debtor,"

Page 3, line 17, after "bank" insert ", credit union,"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1236**

Page 1, line 1, replace "sections" with "section" and remove "and 43-19.1-25"

Page 1, line 2, replace the second "and" with a period

Page 1, remove line 3

Page 1, remove lines 14 through 24

Page 2, remove lines 1 through 7

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1245**

Page 3, line 6, replace "A" with "Upon notification of the board, a"

Page 4, line 6, remove the overstrike over "~~Periodically review and approve~~" and remove "Establish standards for"

Page 4, line 7, after "to" insert "initial or advanced" and remove "and collaborate with nursing education program"

Page 4, line 8, remove "approval organizations and accreditation organizations"

Page 4, line 10, after the underscored comma insert "incorporated,"

Page 4, line 11, after "education" insert "if the programs meet the same or equivalent education standards required by the board for North Dakota programs"

Page 4, line 13, remove the overstrike over "~~Establish standards for assessing the competence of licensees and registrants~~"

Page 4, line 14, remove the overstrike over "~~continuing in or returning to practice~~" and remove "Approve for licensure graduates of nursing"

Page 4, remove lines 15 through 21

Page 4, line 22, remove "commission on collegiate nursing education"

Page 7, line 13, replace "An" with "The board shall issue a licensed practical nurse license or a registered nurse license to each"

Page 7, line 14, replace ", may renew that license for the 2004 licensure" with ". A newly issued license under this section replaces the transitional license."

Page 7, remove lines 15 and 16

Page 7, line 22, remove "The"

Page 7, remove lines 23 and 24

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1320**

In lieu of the amendments printed on page 892 of the Senate Journal, Engrossed House Bill No. 1320 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the privacy of autopsy photographs, images, and recordings."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

**Autopsy images - Confidential - Exceptions.**

1. An autopsy photograph or other visual image or a video or audio recording of an autopsy is confidential. However, a criminal justice agency may use or disclose these materials for purposes of an investigation or prosecution.
2. a. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:



- (1) Medical or scientific teaching or training purposes;
  - (2) Teaching or training of law enforcement personnel;
  - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
  - (4) Conferring with medical or scientific experts; or
  - (5) Publication in a scientific or medical journal or textbook.
- b. A medical examiner, coroner, or physician who has in good faith complied with this subsection is not subject to any penalty or liability for using an autopsy photograph, image, or recording.
3. The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has possession of the materials, if there is not an active criminal investigation or prosecution.
4. Disclosure of an autopsy photograph, image, or recording may be obtained under section 44-04-18.11."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1340**

Page 1, line 1, after "provide" insert "for the development and enforcement of wind turbine reclamation standards by the public service commission and"

Page 1, after line 2, insert:

**"SECTION 1. Wind turbine reclamation standards - Public service commission duties.** The public service commission shall define wind turbine land restoration standards and require that all lessees of land for the erection and operation of wind turbines provide security that the wind turbine site will be reclaimed. The public service commission may require insurance, bonds, escrow accounts, or any other mechanism the commission determines adequate, payable to the state, to compensate the state for reclaiming wind turbine sites should the lessee fail to do so within twelve months of cessation of operation of a wind turbine on the site. The public service commission shall define land reclamation standards for reclaiming all abandoned wind turbine sites in the state. The public service commission shall require that all contracts entered after the effective date of this Act for the lease of land for purposes of wind turbine siting require at a minimum that the lessee restore, at the lessee's expense, the wind turbine site according to standards developed by the commission for the restoration, within twelve months after the wind turbine ceases operation or the expiration of the lease for the site, whichever occurs first."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1391**

Page 1, line 10, remove the overstrike over "~~twenty~~" and remove "~~twenty-five~~"

Page 1, line 11, remove the overstrike over "~~ten~~" and remove "~~fifteen~~"

Page 1, line 13, overstrike "one" and insert immediately thereafter "two" and remove "~~sixty~~"

Page 1, line 14, overstrike "one" and insert immediately thereafter "two" and remove "~~sixty~~"

Page 5, line 5, replace "Five dollars of each resident" with "Forty-five"

Page 5, line 6, remove "big game hunting license fee and five"

Page 5, line 7, replace "open to sportsmen program" with "initiative"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1415**

Page 1, line 8, remove "within six months of receiving notice of the failure to"

Page 1, line 9, remove "appear" and after "forfeiture" insert ". If the bondsman returns the defendant to the jurisdiction of the court within six months of receiving notice of the failure to appear, the court shall return the forfeiture upon petition by the bondsman, less five percent for court costs. If the bondsman returns the defendant to the jurisdiction of the court beyond six months of receiving notice of the failure to appear, the court may return the forfeiture upon receipt of a petition from the bondsman"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1469**

Page 1, line 1, remove "create and enact a new section to chapter 50-24.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to eligibility for medical assistance; and to"

Page 1, line 16, remove "home health care coverage."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 17

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO. 3024**

Page 1, line 2, after "a" insert "regional", replace "science" with "medicine and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional student exchange program", and replace "and of" with "budget."

Page 1, remove line 3

Page 1, after line 6, insert:

**"WHEREAS**, there is a recognized shortage of food animal veterinarians to serve the livestock industry in rural North Dakota; and"

Page 1, line 19, after "in" insert "food animal veterinary practice in"

Page 1, line 22, after "a" insert "regional"

Page 1, line 23, after "medicine" insert "and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional exchange grant program" and replace "and of establishing a joint" with "budget"

Page 1, line 24, remove "school of veterinary medicine with surrounding states"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1223.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1223**

Page 1, line 7, after the boldfaced period insert "The open or lawful season on pheasant and the open or lawful season on duck may not commence on the same weekend."

Page 1, line 8, replace "on" with "and the season may not commence earlier than"

Renumber accordingly

**SENATE DIVISION OF ENGROSSED HOUSE BILL NO. 1223**

**DIVISION B**

(Failed)

Section 1 of the bill

**DIVISION A**

(Adopted)

The remainder of the bill

Renumber and correct the title accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1123.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1123**

Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue an order regarding an individual's health care unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"

Page 1, line 12, remove "a baccalaureate degree in a health-related field, such as epidemiology or public health"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1123**

In addition to the amendments adopted by the Senate as printed on page 911 of the Senate Journal, Engrossed House Bill No. 1123 is further amended as follows:

Page 1, line 2, after the second "officer" insert "; and to declare an emergency"

Page 1, after line 13, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1275.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1275**

Page 1, line 2, after "agency" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 11, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2007, and after that date is ineffective.

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

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2420.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SB 2147, SB 2153, SB 2310, SCR 4005, SCR 4008, SCR 4009, SCR 4016, SCR 4018, SCR 4023, SCR 4037.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2064, SB 2089.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2150, SB 2223, SB 2297, SCR 4010, SCR 4022.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and failed to pass: SCR 4007.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has failed to pass: SB 2343, SB 2380.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1213, HB 1243, HB 1246, and HB 1251.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1269, HB 1397, HB 1414, and HB 1438 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1269:** Reps. Porter; Uglem; Niemeier

**HB 1397:** Reps. Hawken; Norland; Williams

**HB 1414:** Reps. Devlin; Uglem; Amerman

**HB 1438:** Reps. Devlin; Wieland; Niemeier

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1035, HB 1037, HB 1043, HB 1051, HB 1112, HB 1197, HB 1218, and HB 1292 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1035:** Reps. DeKrey; Grande; Eckre

**HB 1037:** Reps. Porter; Pietsch; Potter

**HB 1043:** Reps. Grande; Klemin; Winrich

**HB 1051:** Reps. Klemin; Kretschmar; Delmore

**HB 1112:** Reps. Ruby; Weisz; Thorpe

**HB 1197:** Reps. Pollert; Uglem; Mueller

**HB 1218:** Reps. Drovda; F. Klein; Solberg

**HB 1292:** Reps. Hawken; Weiler; Delmore

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 26, 2003: HCR 3038, HCR 3048, HCR 3062, HCR 3064, HCR 3075.

**REPORT OF STANDING COMMITTEE**

**SB 2033, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2033 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 subsections to section 54-52-01, a new section to chapter 54-52, and two new sections to chapter 54-52.6 of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan and the defined contribution retirement plan; to amend and reenact the two new subsections to section 54-52-01 as created by section 1 of this Act, as approved by the fifty-eighth legislative assembly, subsection 3 of section 54-52-01, section 54-52-02.1, subsection 3 of section 54-52-05, the new section to chapter 54-52 as created by section 6 of this Act, as approved by the fifty-eighth legislative assembly, subsection 3 of section 54-52-17, subsection 3 of section 54-52-17, as amended by section 8 of this Act, as approved by the fifty-eighth legislative assembly, section 54-52.6-01, section 54-52.6-01, as amended by section 10 of this Act, as approved by the fifty-eighth legislative assembly, subsection 1 of section 54-52.6-02, section 54-52.6-02, as amended by section 12 of this Act, as approved by the fifty-eighth legislative assembly, section 54-52.6-03, and the new section to chapter 54-52.6 as created by section 17 of this Act, as approved by the fifty-eighth legislative assembly of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan and the defined contribution retirement plan; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** Two new subsections to section 54-52-01 of the North Dakota Century Code are created and enacted as follows:

"Correctional officer" means a participating member who is employed as a correctional officer by a political subdivision.

"Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by a political subdivision.

**SECTION 2. AMENDMENT.** The two new subsections to section 54-52-01 of the North Dakota Century Code as created by section 1 of this Act, as approved by the fifty-eighth legislative assembly, are amended and reenacted as follows:

"Correctional officer" means a participating member who is certified by the department of corrections and rehabilitation or the peace officer standards and training board as a correctional officer and is employed as a correctional officer by the department of corrections and rehabilitation or a political subdivision.

"Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by a political subdivision.

**SECTION 3. AMENDMENT.** Subsection 3 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Eligible employee" means all permanent employees who meet all of the eligibility requirements set by this chapter and who are eighteen years or more of age, and includes appointive and elective officials who elect to remain members of the retirement system; provided, that judges of the supreme and district courts eligible under section 54-52-02.3 and appointed officials who elect to participate under section 54-52-02.5 are eligible employees and shall participate in the public employees retirement system. Eligible employee does not include nonclassified state employees, peace officers, and correctional officers who elect to become members of the retirement plan established under chapter 54-52.6 but does include employees of the judicial branch and employees of the board of higher education and state institutions under the jurisdiction of the board.

**SECTION 4. AMENDMENT.** Section 54-52-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-02.1. Political subdivisions authorized to join public employees retirement system.**

1. A political subdivision may, on behalf of its permanent employees, on behalf of its peace officers and correctional officers separately from its other employees, and permanent noncertified employees only in the case of school districts, enter into agreements with the retirement board for the purpose of extending the benefits of the public employees retirement system, as provided in this chapter, to those employees. The agreement may, in accordance with this chapter, contain provisions relating to benefits, contributions, effective date, modification, administration, and other appropriate provisions as the retirement board and the political subdivision agree upon, but the agreement must provide that:
  - a. The political subdivision will contribute on behalf of each eligible employee an amount equal to that provided in section 54-52-06 or section 6 of this Act for peace officers and correctional officers participating separately from other political subdivision employees.
  - b. A portion of the moneys paid by the political subdivision may be used to pay administrative expenses of the retirement board.
2. Notwithstanding any other provision of law, a political subdivision having an existing police pension plan may merge that plan into the public employees retirement system under rules adopted by and in a manner determined by the board.
3. Notwithstanding any other provision of this chapter, no a political subdivision of this state not currently participating in the public employees retirement system on June 30, 1977, may thereafter not become a participant in the retirement system until an actuarial study is performed under the direction of the board to calculate the cost of that portion of benefits to be paid by the retirement system to the employees of the

~~political subdivision based on any prior service or on any service after June 30, 1977, and before the date of initial participation in the retirement system, or both; and the political subdivision has adopted a method, approved by the board, to pay the costs determined in this subsection over a period not to exceed twenty five years from June 30, 1977. No political subdivision may discontinue participation in the fund without first making such payment to the fund as may be necessary for the fund to pay the future benefits of the eligible employees of the political subdivision as determined on the basis of rules adopted by the board required employer contribution. The required employer contribution must be an amount determined sufficient to fund the normal cost and amortize any past service liability over a period not to exceed thirty years as determined by the board. Any fees incurred in performing the actuarial study must be paid for by the political subdivision in a manner determined by the board.~~

**SECTION 5. AMENDMENT.** Subsection 3 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Each employer, at its option, may pay the employee contributions required by subsection 2 and sections 54-52-06.1 ~~and~~ 54-52-06.2, ~~and section 6 of this Act.~~ The amount paid must be paid by the employer in lieu of contributions by the employee. If the state determines not to pay the contributions, the amount that would have been paid must continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they may not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee or from the levy authorized by subsection 5 of section 57-15-28.1. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer exercising its option under this subsection shall report its choice to the board, in writing, by June fifteenth of each odd-numbered year.

**SECTION 6.** A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Contribution by peace officers and correctional officers employed by political subdivisions - Employer contribution. Each peace officer or correctional officer employed by a political subdivision that enters into an agreement with the retirement board on behalf of its peace officers and correctional officers separately from its other employees and who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or correctional officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment.

**SECTION 7. AMENDMENT.** The new section to chapter 54-52 of the North Dakota Century Code as created by section 6 of this Act, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

**Contribution by peace officers and correctional officersemployed by political subdivisions - Employer contribution.** Each peace officer or correctional officer employed by a political subdivision that enters into an agreement with the retirement board on behalf of its peace officers and correctional officers separately from its other employees and who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. The

assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or correctional officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment.

**SECTION 8. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

3. Retirement dates are defined as follows:

- a. Normal retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by a political subdivision, is:
  - (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or
  - (2) When the member has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- b. Normal retirement date for a national guard security officer or firefighter is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty-five years and has completed at least three consecutive years of employment as a national guard security officer or firefighter immediately preceding retirement.
- c. Normal retirement date for a peace officer or correctional officer employed by a political subdivision is:
  - (1) The first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty-five years and has completed at least three consecutive years of employment as a peace officer or correctional officer immediately preceding retirement; or
  - (2) When the peace officer or correctional officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- d. Postponed retirement date is the first day of the month next following the month in which the member, on or after July 1, 1977, actually severs or has severed the member's employment after reaching the normal retirement date.
- ~~d.~~ e. Early retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by a political subdivision, is the first day of the month next following the month in which the member attains the age of fifty-five years and has completed three years of eligible employment. For a national guard security officer or firefighter, early retirement date is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty years and has completed at least three years of eligible employment. For a peace officer or correctional officer employed by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
- e- f. Disability retirement date is the first day of the month after a member becomes permanently and totally disabled, according to medical evidence called for under the rules of the board, and has completed at least one hundred eighty days of eligible employment. For supreme

and district court judges, permanent and total disability is based solely on a judge's inability to perform judicial duties arising out of physical or mental impairment, as determined pursuant to rules adopted by the board or as provided by subdivision a of subsection 3 of section 27-23-03. A member is eligible to receive disability retirement benefits only if the member:

- (1) Became disabled during the period of eligible employment; and
- (2) Applies for disability retirement benefits within twelve months of the date the member terminates employment.

A member is eligible to continue to receive disability benefits as long as the permanent and total disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. If the board determines that a member no longer meets the eligibility definition, the board may discontinue the disability retirement benefit. The board may pay the cost of any medical testing or rehabilitation services it deems necessary and these payments are appropriated from the retirement fund for those purposes.

**SECTION 9. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century Code as amended by section 8 of this Act, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

3. Retirement dates are defined as follows:

- a. Normal retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer ~~employed by a political subdivision~~, is:
  - (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or
  - (2) When the member has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- b. Normal retirement date for a national guard security officer or firefighter is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty-five years and has completed at least three consecutive years of employment as a national guard security officer or firefighter immediately preceding retirement.
- c. Normal retirement date for a peace officer or correctional officer ~~employed by a political subdivision~~ is:
  - (1) The first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty-five years and has completed at least three consecutive years of employment as a peace officer or correctional officer immediately preceding retirement; or
  - (2) When the peace officer or correctional officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- d. Postponed retirement date is the first day of the month next following the month in which the member, on or after July 1, 1977, actually severs or has severed the member's employment after reaching the normal retirement date.
- e. Early retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer ~~employed by a political subdivision~~, is the first day of the month next following the month in which the member attains the age of fifty-five years and has



completed three years of eligible employment. For a national guard security officer or firefighter, early retirement date is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty years and has completed at least three years of eligible employment. For a peace officer or correctional officer ~~employed by a political subdivision~~, early retirement date is the first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.

- f. Disability retirement date is the first day of the month after a member becomes permanently and totally disabled, according to medical evidence called for under the rules of the board, and has completed at least one hundred eighty days of eligible employment. For supreme and district court judges, permanent and total disability is based solely on a judge's inability to perform judicial duties arising out of physical or mental impairment, as determined pursuant to rules adopted by the board or as provided by subdivision a of subsection 3 of section 27-23-03. A member is eligible to receive disability retirement benefits only if the member:
- (1) Became disabled during the period of eligible employment; and
  - (2) Applies for disability retirement benefits within twelve months of the date the member terminates employment.

A member is eligible to continue to receive disability benefits as long as the permanent and total disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. If the board determines that a member no longer meets the eligibility definition, the board may discontinue the disability retirement benefit. The board may pay the cost of any medical testing or rehabilitation services it deems necessary and these payments are appropriated from the retirement fund for those purposes.

**SECTION 10. AMENDMENT.** Section 54-52.6-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-52.6-01. Definition of terms.** As used in this chapter, unless the context otherwise requires:

1. "Board" means the public employees retirement system board.
2. "Correctional officer" means a participating member who is employed as a correctional officer by a political subdivision.
3. "Deferred member" means a person who elected to receive deferred vested retirement benefits under chapter 54-52.
3. 4. "Eligible employee" means a permanent state employee, except an employee of the judicial branch or an employee of the board of higher education and state institutions under the jurisdiction of the board, who is eighteen years or more of age and who is in a position not classified by the central personnel division. The term also means a peace officer or correctional officer employed by a political subdivision that elects to participate on behalf of its peace officers and correctional officers separately from its other employees in the defined contribution retirement plan established under this chapter.
4. 5. "Employee" means any person employed by the state, whose compensation is paid out of state funds, or funds controlled or administered by the state or paid by the federal government through any of its executive or administrative officials. The term also means a peace officer or correctional officer employed by a political subdivision that elects to participate in the defined contribution retirement plan established under this chapter.

- 5- 6. "Employer" means the state of North Dakota and a political subdivision that elects to participate on behalf of its peace officer and correctional officer employees.
- 6- 7. "Participating member" means an eligible employee who elects to participate in the defined contribution retirement plan established under this chapter.
8. "Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by a political subdivision.
- 7- 9. "Permanent employee" means a state an employee whose services are not limited in duration and who is filling an approved and regularly funded position and is employed twenty hours or more per week and at least five months each year.
- 8- 10. "Wages" and "salaries" means earnings in eligible employment under this chapter reported as salary on a federal income tax withholding statement plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement, incentive pay, severance pay, medical insurance, workers' compensation benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between an employee and a participating employer. Bonuses may be considered as salary under this section if reported and annualized pursuant to rules adopted by the board.

**SECTION 11. AMENDMENT.** Section 54-52.6-01 of the North Dakota Century Code as amended by section 10 of this Act, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

**54-52.6-01. Definition of terms.** As used in this chapter, unless the context otherwise requires:

1. "Board" means the public employees retirement system board.
2. "Correctional officer" means a participating member who is certified by the department of corrections and rehabilitation or the peace officer standards and training board as a correctional officer and is employed as a correctional officer by a political subdivision by the department of corrections and rehabilitation or a political subdivision.
3. "Deferred member" means a person who elected to receive deferred vested retirement benefits under chapter 54-52.
4. "Eligible employee" means a permanent state employee, except an employee of the judicial branch or an employee of the board of higher education and state institutions under the jurisdiction of the board, who is eighteen years or more of age and who is in a position not classified by the central personnel division. The term also means a peace officer or correctional officer employed by the state of North Dakota who elects to become a participating member and a peace officer or correctional officer employed by a political subdivision that elects to participate on behalf of its peace officers and correctional officers separately from its other employees in the defined contribution retirement plan established under this chapter.
5. "Employee" means any person employed by the state, whose compensation is paid out of state funds, or funds controlled or administered by the state or paid by the federal government through any of its executive or administrative officials. The term also means a peace officer or correctional officer employed by a political subdivision that elects to participate in the defined contribution retirement plan established under this chapter.

6. "Employer" means the state of North Dakota and a political subdivision that elects to participate on behalf of its peace officer and correctional officer employees.
7. "Participating member" means an eligible employee who elects to participate in the defined contribution retirement plan established under this chapter.
8. "Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer ~~by a political subdivision~~.
9. "Permanent employee" means an employee whose services are not limited in duration and who is filling an approved and regularly funded position and is employed twenty hours or more per week and at least five months each year.
10. "Wages" and "salaries" means earnings in eligible employment under this chapter reported as salary on a federal income tax withholding statement plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement, incentive pay, severance pay, medical insurance, workers' compensation benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between an employee and a participating employer. Bonuses may be considered as salary under this section if reported and annualized pursuant to rules adopted by the board.

**SECTION 12. AMENDMENT.** Subsection 1 of section 54-52.6-02 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall provide an opportunity for each eligible employee who is a member of the public employees retirement system on September 30, 2001, and who has not made a written election under this section to transfer to the defined contribution retirement plan before October 1, 2001, to elect in writing to terminate membership in the public employees retirement system and elect to become a participating member under this chapter. Except as provided in section 54-52.6-03, an election made by an eligible employee under this section is irrevocable. The board shall accept written elections under this section from eligible employees during the period beginning on July 1, 1999, and ending 12:01 a.m. December 14, 2001. An eligible employee who does not make a written election or who does not file the election during the period specified in this section continues to be a member of the public employees retirement system. An eligible employee who makes and files a written election under this section ceases to be a member of the public employees retirement system effective twelve midnight December 31, 2001; becomes a participating member in the defined contribution retirement plan under this chapter effective 12:01 a.m. January 1, 2002; and waives all of that person's rights to a pension, annuity, retirement allowance, insurance benefit, or any other benefit under the public employees retirement system effective December 31, 2001. This section does not affect a person's right to health benefits or retiree health benefits under chapter 54-52.1. An eligible employee who is first employed and entered upon the payroll of that person's employer after September 30, 2001, and a peace officer or correctional officer employed by a political subdivision who is first employed and entered upon the payroll of that person's employer after the effective date of this Act, may make an election to participate in the defined contribution retirement plan established under this chapter at any time during the first six months after the date of employment. If the board, in its sole discretion, determines that the employee was not adequately notified of the employee's option to participate in the defined contribution retirement plan, the board may provide the employee a reasonable time within which to make that election, which may extend beyond the original six-month decision window.

**SECTION 13. AMENDMENT.** Subsection 1 of section 54-52.6-02 of the North Dakota Century Code as amended by section 12 of this Act, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

1. The board shall provide an opportunity for each ~~eligible employee peace officer or correctional officer employed by a state agency or department~~ who is a member of the public employees retirement system on September 30, ~~2004~~ 2005, and who has not made a written election under this section to transfer to the defined contribution retirement plan before October 1, ~~2004~~ 2005, to elect in writing to terminate membership in the public employees retirement system and elect to become a participating member under this chapter. Except as provided in section 54-52.6-03, an election made by ~~an eligible employee~~ a peace officer or correctional officer employed by a state agency or department under this section is irrevocable. The board shall accept written elections under this section from ~~eligible employees peace officers and correctional officers employed by a state agency or department~~ during the period beginning on July 1, 1999, and ending ~~42:01 a.m. 5:00 p.m. December 14, 2004~~ 16, 2005. ~~An eligible employee~~ A peace officer or correctional officer employed by a state agency or department who does not make a written election or who does not file the election during the period specified in this section continues to be a member of the public employees retirement system. ~~An eligible employee~~ A peace officer or correctional officer employed by a state agency or department who makes and files a written election under this section ceases to be a member of the public employees retirement system effective twelve midnight December 31, ~~2004~~ 2005; becomes a participating member in the defined contribution retirement plan under this chapter effective ~~12:01 a.m. January 1, 2002~~ 2006; and waives all of that person's rights to a pension, annuity, retirement allowance, insurance benefit, or any other benefit under the public employees retirement system effective December 31, ~~2004~~ 2005. This section does not affect a person's right to health benefits or retiree health benefits under chapter 54-52.1. An eligible employee who is first employed and entered upon the payroll of that person's employer after September 30, 2001, and a peace officer or correctional officer employed by a political subdivision who is first employed and entered upon the payroll of that person's employer after the effective date of this Act, and a peace officer or correctional officer employed by a state agency or department who is first employed and entered upon the payroll of that person's employer after September 30, 2005, may make an election to participate in the defined contribution retirement plan established under this chapter at any time during the first six months after the date of employment. If the board, in its sole discretion, determines that the employee was not adequately notified of the employee's option to participate in the defined contribution retirement plan, the board may provide the employee a reasonable time within which to make that election, which may extend beyond the original six-month decision window.

**SECTION 14.** A new section to chapter 54-52.6 of the North Dakota Century Code is created and enacted as follows:

Political subdivisions authorized to join defined contribution retirement plan.

1. A political subdivision, on behalf of its peace officers and correctional officers, may enter an agreement with the retirement board for the purpose of extending the benefits of the defined contribution retirement plan, as provided in this chapter, to those employees. The agreement may contain, in accordance with this chapter, provisions relating to contributions, effective date, modification, administration, and other appropriate provisions as the retirement board and the political subdivision may agree, but the agreement must provide that:
  - a. The political subdivision will contribute on behalf of each eligible employee an amount equal to that provided in section 6 of this Act.
  - b. A portion of the moneys paid by the political subdivision may be used to pay administrative expenses of the retirement board.
2. A political subdivision that merges an existing police pension plan into the public employees retirement system must provide an opportunity for its

members to elect to participate in the defined contribution retirement plan under rules adopted by and in a manner determined by the board.

**SECTION 15. AMENDMENT.** Section 54-52.6-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-52.6-03. Transfer of accumulated fund balances.** For an individual who elects to terminate membership in the public employees retirement system under chapter 54-52, the board shall transfer a lump sum amount from the retirement fund to the participating member's account in the defined contribution retirement plan under this chapter. However, if the individual terminates employment prior to receiving the lump sum transfer under this section, the election made under section 54-52.6-02 is ineffective and the individual remains a member of the public employees retirement system under chapter 54-52 and retains all the rights and benefits provided under that chapter. The board shall calculate the amount to be transferred for persons peace officers and correctional officers employed by a state agency or department before October 1, ~~2004~~ 2005, using the two following formulas, and shall transfer the greater of the two amounts obtained:

1. The actuarial present value of the individual's accumulated benefit obligation under the public employees retirement system based on the assumption that the individual will retire under the earliest applicable normal retirement age, plus interest from January 1, ~~2004~~ 2006, to the date of transfer, at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election; or
2. The actual employer contribution made, less vested employer contributions made pursuant to section 54-52-11.1, plus compound interest at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election plus the employee account balance.

The board shall calculate the amount to be transferred for persons employed after September 30, ~~2004~~ 2005, using only the formula contained in subsection 2.

**SECTION 16.** A new section to chapter 54-52.6 of the North Dakota Century Code is created and enacted as follows:

Contribution by peace officers and correctional officers employed by political subdivisions - Employer contribution. Each peace officer and correctional officer employed by a political subdivision who participates in the defined contribution retirement plan established under this chapter is assessed and shall pay monthly four percent of the employee's monthly salary or wage paid to the participant. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or correctional officer's employer shall contribute an amount equal to that paid by the employer under section 6 of this Act for peace officer and correctional officer members of the public employees retirement system defined benefit retirement plan. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52.6-09, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment.

**SECTION 17. AMENDMENT.** The new section to chapter 54-52.6 of the North Dakota Century Code as created by section 17 of this Act, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

**Contribution by peace officers and correctional officersemployed by political subdivisions - Employer contribution.** Each peace officer and correctional officer ~~employed by a political subdivision~~ who participates in the defined contribution retirement plan established under this chapter is assessed and shall pay monthly four percent of the employee's monthly salary or wage paid to the participant. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or correctional officer's employer shall contribute an amount equal to that paid by the employer under section 6 of this Act for peace officer and correctional officer members of the public employees retirement system defined benefit retirement plan. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52.6-09, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment.

**SECTION 18. EFFECTIVE DATE.** Sections 2, 7, 9, 11, 13, 15, and 17 become effective on July 1, 2005."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2065, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2065 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2222, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2222 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 923 and 924 of the House Journal, Reengrossed Senate Bill No. 2222 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 4-14.1 of the North Dakota Century Code, relating to ethanol production subsidies; to amend and reenact sections 4-14.1-07, 39-04-39, and 57-43.1-03.1 of the North Dakota Century Code, relating to the distribution of motor vehicle registration fees and the taxation of motor vehicle fuel for agricultural purposes; to repeal section 4-14.1-07 of the North Dakota Century Code, relating to the duration and limitation of ethanol plant production incentives; to provide for a continuing appropriation; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 4-14.1 of the North Dakota Century Code is created and enacted as follows:

Definition. In this chapter, unless the context otherwise requires, "eligible facility" means an ethanol production plant constructed in this state after July 31, 2003.

**SECTION 2.** A new section to chapter 4-14.1 of the North Dakota Century Code is created and enacted as follows:

Ethanol production incentive - Calculation - Payment. The agricultural products utilization commission shall provide quarterly to each eligible facility a production incentive based on the average North Dakota price per bushel of corn received by farmers during the quarter, as established by the North Dakota agricultural statistics service and the average North Dakota rack price per gallon [3.79 liters] of ethanol during the quarter, as compiled by the American coalition for ethanol. The amount payable as a production incentive must be calculated by including the sum arrived at under subsection 1 with the sum arrived at under subsection 2.

1.
  - a. If the average quarterly price per bushel of corn is above one dollar and eighty cents, for each one cent by which the quarterly price is above one dollar and eighty cents, the agricultural products utilization commission shall add to the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
  - b. If the average quarterly price per bushel of corn is one dollar and eighty cents, the agricultural products utilization commission shall add zero to any amount payable under this section.
  - c. If the average quarterly price per bushel of corn is below one dollar and eighty cents, for each one cent by which the quarterly price is below one dollar and eighty cents, the agricultural products utilization commission shall subtract from the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.

2.
  - a. If the average quarterly rack price per gallon of ethanol is above one dollar and thirty cents, for each one cent by which the average quarterly rack price is above one dollar and thirty cents, the agricultural products utilization commission shall subtract from the amount payable under this section, two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
  - b. If the average quarterly rack price per gallon of ethanol is one dollar and thirty cents, the agricultural products utilization commission shall subtract zero from any amount payable under this section.
  - c. If the average quarterly rack price per gallon of ethanol is below one dollar and thirty cents, for each one cent by which the average quarterly rack price is below one dollar and thirty cents, the agricultural products utilization commission shall add to the amount payable under this section two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.

**SECTION 3.** A new section to chapter 4-14.1 of the North Dakota Century Code is created and enacted as follows:

Subsidy limitations. The agricultural products utilization commission may not distribute more than one million six hundred thousand dollars annually in payments under section 2 of this Act. No eligible facility may receive state ethanol payments that exceed a cumulative total of ten million dollars. Change in ownership of an eligible facility does not affect the ten million dollar cumulative total allowed to be paid to that eligible facility under this section.

**SECTION 4.** A new section to chapter 4-14.1 of the North Dakota Century Code is created and enacted as follows:

Ethanol production incentive fund - Continuing appropriation. There is created in the state treasury a special fund known as the ethanol production incentive fund. The fund consists of transfers made in accordance with section 39-04-39 and deposits made in accordance with section 57-43.1-03.1. All moneys in the fund are appropriated on a continuing basis to the agricultural products utilization commission for use in paying ethanol production incentives under sections 2 and 3 of this Act and section 4-14.1-07.

**SECTION 5. AMENDMENT.** Section 4-14.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**4-14.1-07. Duration and limitation of ethanol plant production incentives -** Report to budget section.~~Notwithstanding any other provision of law, an ethanol plant may not receive production incentives except as permitted under this section.~~

1. ~~An ethanol plant that was in operation before July 1, 1995, may not receive production incentives in the form of direct payments from the state for more than fourteen fiscal years of operation after June 30, 1995. An ethanol plant that begins operation after June 30, 1995, may not receive production incentives in the form of direct payments from the state for more than fourteen fiscal years of operation. After December 31, 2000, the state may not provide production incentives in the form of direct payments to any ethanol plant.~~
2. ~~An ethanol plant that was in operation before July 1, 1995, and which has a production capacity of fewer than fifteen million gallons [56781000 liters] of ethanol may receive up to seven six hundred fifty thousand dollars in production incentives from the state for production in a fiscal year. An ethanol plant that was in operation before July 1, 1995, and which produced fifteen million [56781000 liters] or more gallons in the previous fiscal year and an ethanol plant that begins operations after June 30, 1995, are each is eligible to receive an equal share in up to five three hundred thousand dollars in production incentives from the state in a fiscal year.~~
2. The agricultural products utilization commission shall determine the amount of production incentives to which a plant is entitled under this section by multiplying the number of gallons of ethanol produced by the plant and marketed to a distributor or wholesaler by forty cents. The commission shall forward the production incentives to the plant upon receipt of an

affidavit by the plant indicating that the ethanol is to be sold at retail to consumers. The affidavit must be accompanied by an affidavit from a wholesaler or retailer indicating that the ethanol is to be sold at retail to consumers. Within ninety days after the conclusion of the plant's fiscal year, the plant shall submit to the budget section of the legislative council a statement by a certified public accountant indicating whether the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received under this section.

**SECTION 6. AMENDMENT.** Section 39-04-39 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-39. Distribution of registration fees collected.** Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, must be promptly deposited in the highway tax distribution fund which must be distributed in the manner as prescribed by law. The state treasurer shall transfer annually from the highway tax distribution fund to the ethanol production incentive fund an amount equal to forty percent of all sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19 except that no transfer may be made in an amount that would result in the balance of the ethanol production incentive fund exceeding five million dollars.

**SECTION 7. AMENDMENT.** Section 57-43.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.1-03.1. ~~(Effective through December 31, 2003)~~ Refund of tax for fuel used for agricultural purposes - Reductions.** Any consumer who buys or uses any motor vehicle fuel for an agricultural purpose on which the motor vehicle fuel tax has been paid may file a claim with the commissioner for a refund under this chapter. The amount of the tax refund under this section must be reduced by seven cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users. Two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund, one cent per gallon [3.79 liters] withheld from the refund must be ~~retained~~ deposited in the highway tax distribution ethanol production incentive fund, and four cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural research fund.

~~**(Effective January 1, 2004) Refund of tax for fuel used for agricultural purposes - Reductions.** Any consumer who buys or uses any motor vehicle fuel for an agricultural purpose on which the motor vehicle fuel tax has been paid may file a claim with the commissioner for a refund under this chapter. The amount of the tax refund under this section must be reduced by six cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users. Two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund and four cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural research fund.~~

**SECTION 8. REPEAL.** Section 4-14.1-07 of the North Dakota Century Code is repealed.

**SECTION 9. EFFECTIVE DATE.** Section 8 of this Act becomes effective on July 1, 2005."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2255, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2255 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2360, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2360 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "appropriation" with "expiration date"

Page 1, line 7, remove "and grants"



Page 1, line 10, remove "The Bank may issue up to one"

Page 1, line 11, remove "hundred fifty loans during the biennium."

Page 1, line 12, replace "four" with "seven", after "thousand" insert "five hundred", and after "dollars" insert ", less any amount received by the student in the form of employer matching grants, financial aid, third-party training program dollars, income, unemployment insurance benefits, or workers' compensation benefits, during the period of the truckdriver training program"

Page 1, line 15, after "of" insert "or withdrawal from"

Page 1, line 16, replace "thirty-six" with "sixty"

Page 1, replace lines 18 through 24 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2007, and after that date is ineffective."

Page 2, remove lines 1 through 10

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2385: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 2, line 26, remove "In"

Page 2, remove lines 27 through 30

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2405, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2405 was placed on the Sixth order on the calendar.

Page 4, line 21, after "through" insert "eighty days following"

Renumber accordingly

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, March 31, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

