

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, March 25, 2003

The House convened at 1:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Kirsten Frantsvog, Our Saviors Lutheran Church, Hillsboro.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2048, SB 2261 and SB 2409 be adopted, which motion prevailed.

SB 2409, as amended, was rereferred to the **Appropriations Committee**.

SB 2048 and SB 2261, as amended, were placed on the Fourteenth order of business on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2086, as reengrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2086 was placed on the Sixth order on the calendar.

Page 2, line 3, after "of" insert "one voting member appointed by the governor,"

Page 2, line 4, after the second "department" insert a comma

Page 2, line 18, remove "Fees for services must be based on"

Page 2, remove line 19

Page 4, line 12, replace "as interim final rules without" with "through"

Page 4, line 13, remove "approval of the governor and without a finding that", replace "is" with "process, if", and remove "Any"

Page 4, remove lines 14 and 15

Page 4, line 17, remove "quarterly"

Page 5, line 1, replace "March 1, 2005" with "October 1, 2004"

Page 5, line 2, replace "North Dakota association of community" with "service providers"

Page 5, line 3, remove "facilities", remove "by January 1, 2005,", and replace "and" with a period

Page 5, remove lines 4 through 6

Renumber accordingly

## SIXTH ORDER OF BUSINESS

**SB 2086, as reengrossed: REP. PRICE (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**SB 2248, as engrossed: REP. WINRICH (Government and Veterans Affairs Committee) MOVED** that the amendments on HJ page 1004 be divided.

**REQUEST**

**REP. WINRICH REQUESTED** that the House divide the amendments to Engrossed SB 2248, which request was granted on a voice vote.

**Division A:** Page 2 of the amendment

**Division B:** Page 3 of the amendment

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2248, the motion passed on a verification vote.

Division A of the proposed amendments to Engrossed SB 2248 was adopted on a verification vote.

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2248, the motion passed on a verification vote.

Division B of the proposed amendments to Engrossed SB 2248 was adopted on a verification vote.

Therefore, the question being the adoption of the proposed amendments Division A and Division B the proposed amendments to SB 2248 were adopted on a verification vote.

Engrossed SB 2248, as amended, was placed on the Fourteenth order for immediate second reading.

**SECOND READING OF SENATE BILL**

**SB 2248:** A BILL for an Act to create and enact three new sections to chapter 16.1-07 of the North Dakota Century Code, relating to providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating early voting precincts; and to amend and reenact subsection 2 of section 16.1-07-01 and sections 16.1-07-05, 16.1-07-06, 16.1-07-07, and 16.1-07-08 of the North Dakota Century Code, relating to absentee voting for federal offices by citizens who have never lived in the United States, applications for absent voter's ballots, and absentee voting.

**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 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Keiser; Kretschmar; Onstad

Engrossed SB 2248, as amended, passed and the title was agreed to.

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**SIXTH ORDER OF BUSINESS**

**SB 2255, as engrossed: REP. DEKREY (Judiciary Committee) MOVED** that the amendments on HJ pages 1016-1017 be adopted with **DO PASS**, which motion prevailed.

**REQUEST**

**REP. DEKREY REQUESTED** that the question of the adoption of the amendments to Engrossed SB 2255 be divided to have the sections voted on separately in the following manner, which request was granted.

**DIVISION A:** Page 1, line 18

**DIVISION B:** Page 2 lines 13 thru 21

**DIVISION C:** Page 2, after line 30

**DIVISION D:** Page 2 line 9 after "written"

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2255, the motion passed on a verification vote.

Division A of the proposed amendments to Engrossed SB 2255 was adopted on a verification vote.

#### REQUEST

**REP. GRANDE REQUESTED** a recorded roll call vote on Division B of the proposed amendments to Engrossed SB 2255, which request was granted.

#### ROLL CALL

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2255, the roll was called and there were 21 YEAS, 73 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Carlson; DeKrey; Delzer; Froseth; Grande; Grosz; Haas; Iverson; Kerzman; Pietsch; Pollert; Sitte; Skarphol; Thoreson; Timm; Wald; Warnke; Weisz; Wikenheiser; Wrangham

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Glasheim; Gulleon; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Weiler; Wieland; Williams; Winrich; Zaiser; Speaker Wentz

Division B of the proposed amendments to Engrossed SB 2255 failed.

The question being the adoption of Division C of the proposed amendments to Engrossed SB 2255, the motion passed on a verification vote.

Division C of the proposed amendments to Engrossed SB 2255 was adopted on a verification vote.

The question being the adoption of Division D of the proposed amendments to Engrossed SB 2255, the motion passed on a verification vote.

Division D of the proposed amendments to Engrossed SB 2255 was adopted on a verification vote.

Therefore, the question being the adoption of the proposed amendments Division A,C,D

The proposed amendments were adopted.

Engrossed SB 2255, as amended, was rereferred to the **Appropriations Committee**.

#### SECOND READING OF SENATE BILL

**SB 2031:** A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to required units for approved high schools; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Brusegaard; Clark; Delmore; Dosch; Ekstrom; Froseth; Glasheim; Grande; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemin; Kroeber; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Porter; Potter; Price;

Severson; Skarphol; Svedjan; Thorpe; Uglem; Warner; Warnke; Winrich;  
Speaker Wentz

**NAYS:** Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; DeKrey; Delzer; Devlin; Drovdal; Eckre; Froelich; Galvin; Grosz; Gullerson; Headland; Iverson; Kasper; Kempenich; Kerzman; Klein, F.; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Monson; Onstad; Pollert; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Tieman; Timm; Wald; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser

Engrossed SB 2031 lost.

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### SECOND READING OF SENATE BILL

**SB 2036:** A BILL for an Act to amend and reenact section 50-09-02.2 of the North Dakota Century Code, relating to eligibility for certification as a special needs adoption.

### 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 93 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Ruby

SB 2036, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2235:** A BILL for an Act to amend and reenact section 26.1-34-02 of the North Dakota Century Code, relating to minimum nonforfeiture amounts of annuity contracts.

### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2235, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2275:** A BILL for an Act to amend and reenact section 26.1-41-13 of the North Dakota Century Code, relating to coordination of benefits for automobile insurance.

**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 61 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; Delmore; Devlin; Drovdal; Ekstrom; Froelich; Glassheim; Grosz; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Warner; Warnke; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Boe; Brusegaard; Carlson; DeKrey; Delzer; Dosch; Eckre; Froseth; Galvin; Grande; Gulleson; Haas; Keiser; Kempenich; Klein, F.; Kreidt; Meier; Monson; Nelson; Pietsch; Pollert; Skarphol; Tieman; Timm; Wald; Weiler; Weisz; Williams; Wrangham

Reengrossed SB 2275, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2262:** A BILL for an Act to provide for a legislative council study of motor vehicle and motorist insurance systems.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2262, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2305:** A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to approved joint powers agreements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boe; Drovdal; Klein, F.; Maragos

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Price

Reengrossed SB 2305, as amended, lost.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1087, HB 1256, HB 1271, HB 1309, HB 1358, HB 1439.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1087**

Page 1, line 16, remove the overstrike over "farm bureau" and remove "grain growers association"

Page 1, line 17, remove the overstrike over "The North Dakota farmers union."

Page 1, line 18, remove the overstrike over "5.", remove the overstrike over "The North Dakota", after "stockmen's" insert "grain growers", and remove the overstrike over "association."

Page 1, remove the overstrike over line 19

Page 1, line 20, remove the overstrike over "7."

Page 1, line 22, remove the overstrike over "8." and remove "5."

Page 1, line 23, remove the overstrike over "9." and remove "6."

Page 1, line 24, remove the overstrike over "40." and remove "7."

Page 2, line 1, replace "8." with "11."

Page 2, line 2, replace "9." with "12."

Page 2, line 3, replace "10." with "13."

Page 2, line 4, replace "11." with "14."

Page 2, line 5, replace "12." with "15."

ReNUMBER accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1256**

Page 2, line 26, after the underscored period insert "A professional engineer or land surveyor who is exempt under subsection 5 of section 43-19.1-29 but who has voluntarily registered under this chapter is exempt from the continuing professional education requirements under this section."

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1271**

Page 1, line 6, replace "The" with "If there is no qualified state facility available, the"

Page 1, line 7, replace "may" with "shall"

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1309**

Page 1, line 3, after the the semicolon insert "to amend and reenact sections 24-02-01.5, 57-43.2-01, and 57-43.2-02 of the North Dakota Century Code, relating to a special fuels tax reduction for fuel containing biodiesel;"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 24-02-01.5 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-01.5. (~~Contingent effective date — See note — Effective through June 30, 2003~~) Department of transportation - Administrative rules.** The department of transportation may adopt the administrative rules necessary to carry out

its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

~~(Effective after June 30, 2003) Department of transportation — Administrative rules. The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 5 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department."~~

Page 1, underscore lines 8 through 17

Page 1, after line 17, insert:

**"SECTION 3. AMENDMENT.** Section 57-43.2-01 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-01. (~~Contingent effective date — See note — Effective through June 30, 2003~~) Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Agricultural purpose" means the science, art, and business of farming. It includes raising crops, ranching, beekeeping, tree nurseries, agricultural units of colleges and universities, custom combining, manure spreading, and stack moving operations. Fuel used for an agricultural purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include fuel used to operate a licensed motor vehicle.
2. "Biodiesel" means a biodegradable, combustible liquid fuel that is derived from vegetable oil or animal fat and which is suitable for blending with diesel fuel for use in internal combustion diesel engines.
3. "Commissioner" means the state tax commissioner.
4. "Common carrier" or "contract carrier" means a person involved in the movement of special fuel from a terminal or movement of special fuel imported into this state, who is not an owner of the special fuel.
5. "Consumer" means a user of special fuel including any person purchasing special fuel in this state for use in a licensed motor vehicle; any person importing special fuel into this state or purchasing special fuel in this state for use as heating fuel, or for an agricultural, industrial, or railroad purpose; or any person purchasing special fuel in this state for use in recreational or any other types of motor vehicles. It does not include a person importing or purchasing special fuel for resale.
6. "Destination state" means any state, territory, foreign country, or sovereign nation to which special fuel is directed for delivery into a storage facility, receptacle, container, or any other type of transportation equipment, for the purposes of resale or use.
7. "Director" means the director of the department of transportation.

8. "Distributor" means a person, other than a retailer, who acquires special fuel from a refiner or supplier for subsequent wholesale distribution in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
9. "Dyed special fuel" means special fuel to which an indelible dye meeting United States environmental protection agency and internal revenue service regulations has been added before or upon withdrawal at a terminal or refinery rack.
10. "Export" means the delivery of special fuel across the boundaries of this state from a place of origin in this state by or for a refiner, supplier, or distributor.
11. "Exporter" means a refiner, supplier, or distributor who exports special fuel out of this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
12. "Gallon" means a United States gallon [3.79 liters] measured on a gross volume basis.
13. "Gross volume" means measurement in United States gallons [3.79 liters] without temperature or barometric adjustments.
14. "Heating fuel use" means use of special fuel to heat homes, private and public office buildings, or private and public commercial buildings or use of special fuel in stoves or burners or for any other heating purposes.
15. "Highway purpose" means any use of special fuel in any motor vehicle in any phase of construction, reconstruction, repair, or maintenance of public roads or highways, but does not include that special fuel used for heating of oils, gravel, bituminous mixture, or in any equipment used in the preparation of any materials to be used on any type of road or highway surfacing.
16. "Import" means the delivery of special fuel across the boundaries of this state from a place of origin outside this state by a refiner, supplier, or distributor.
17. "Importer" means a refiner, supplier, or distributor who imports special fuel into this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
18. "Industrial purpose" means:
  - a. A manufacturing, warehousing, or loading dock operation;
  - b. Construction;
  - c. Sand and gravel processing;
  - d. Well drilling, well testing, or well servicing;
  - e. Maintenance of business premises, golf courses, or cemeteries;
  - f. A commercial or contract painting operation;
  - g. Electrical services;
  - h. A refrigeration unit on a truck;
  - i. A power-take-off unit; and
  - j. Other similar business activity.

Fuel used for an industrial purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include heating fuel, fuel used for an agricultural purpose, fuel used for a railroad purpose, or fuel used to operate a licensed motor vehicle.

19. "Interstate motor carrier" means any person importing special fuel into this state in the fuel supply tank or tanks of any motor vehicle or combination of vehicles used, designed, or maintained for transportation of persons or property; and having two axles and a gross weight exceeding twenty-six thousand pounds [1179.3401 kilograms]; or having three or more axles regardless of weight; is used in combination when the weight of such combination exceeds twenty-six thousand pounds [1179.3401 kilograms] gross vehicle weight. In the case of motor vehicles that are leased or rented, the interstate motor carrier means the lessee or renter unless the director has designated the lessor, renter, or some other person as the interstate motor carrier.
20. "Licensed motor vehicle" means any motor vehicle licensed for operation upon public roads or highways, but does not include a vehicle with a permanently mounted manure spreader or stack moving unit.
21. "Motor vehicle" means a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion using one or more of the special fuels defined in this chapter but does not include aircraft.
22. "Person" means every individual, partnership, firm, association, joint venture, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit.
23. "Physical inventory reading" means a measurement of special fuel available for distribution in a terminal, an underground storage tank, an aboveground storage tank, or in a tank wagon, bulk delivery vehicle, railcar, barrel, drum, or other receptacle.
24. "Position holder" means a person holding an inventory position of special fuel in a terminal as reflected on the records of the terminal operator, a person holding the inventory position when that person has a contractual agreement with the terminal operator for the use of storage facilities or terminaling services at a terminal, and a terminal operator who owns special fuel in a terminal.
25. "Public road or highway" means every way or place generally open to the use of the public as a matter of right, for the purpose of motor vehicle travel, notwithstanding that it may be temporarily closed or subject to restricted travel due to construction, reconstruction, repair, or maintenance.
26. "Rack" means a mechanism used to dispense special fuel from a terminal.
27. "Railroad purpose" means the operation of railroad locomotives and the construction, reconstruction, repair, and maintenance of railroads. Fuel used for a railroad purpose includes fuel used to operate a railroad locomotive, and fuel used in a motor vehicle for purposes of construction, reconstruction, repair, and maintenance of railroads. It does not include fuel used in a licensed motor vehicle.
28. "Refiner" means a person who produces, manufactures, or refines special fuels in this state.
29. "Retail location" means a site at which special fuel is dispensed through a pump from an underground or aboveground storage unit into the supply tank of a motor vehicle.
30. "Retailer" means a person who acquires special fuel from a supplier or distributor for resale to a consumer at a retail location.
31. "Sale" means, with respect to special fuel, the transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means, for a consideration.
32. "Special fuel" means all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles and includes compressed natural gas, kerosene, liquefied petroleum gases, all gases and liquids which meet the specifications as determined by the state department of health pursuant to the provisions of section 19-10-10, as well

as all liquids determined by the state department of health to be heating oil pursuant to the provisions of section 19-10-10, except that it does not include either motor vehicle fuels as defined in section 57-43.1-01, aviation fuels as defined in section 57-43.3-01, or antifreeze as defined by section 19-16.1-02.

33. "Supplier" means a refiner who distributes special fuel from a terminal in this state, or a person who acquires special fuel by pipeline from a state, territory, or possession of the United States or from a foreign country, for storage at and distribution from a terminal, or a person who acquires special fuel by truck or railcar for storage at and distribution from a terminal in this state.
34. "Taxpayer" means a refiner, supplier, distributor, importer, exporter, terminal operator, or retailer.
35. "Terminal" means a special fuel storage and distribution facility that is supplied by a refinery or pipeline and from which the special fuel may be removed from the rack.
36. "Terminal operator" means a person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal. If a terminal is owned by coventurers, "terminal operator" means the person appointed to exercise the responsibility for, or physical control over, and operation of the terminal.
37. "Wholesale distribution" means the sale of special fuel by a supplier or distributor.

**(Effective after June 30, 2003) Definitions.** As used in this chapter, unless the context otherwise requires:

1. ~~"Agricultural purpose" means the science, art, and business of farming. It includes raising crops, ranching, beekeeping, tree nurseries, agricultural units of colleges and universities, custom combining, manure spreading, and stack moving operations. Fuel used for an agricultural purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include fuel used to operate a licensed motor vehicle.~~
2. "Commissioner" means the state tax commissioner.
3. ~~"Common carrier" or "contract carrier" means a person involved in the movement of special fuel from a terminal or movement of special fuel imported into this state, who is not an owner of the special fuel.~~
4. "Consumer" means a user of special fuel including any person purchasing special fuel in this state for use in a licensed motor vehicle; any person importing special fuel into this state or purchasing special fuel in this state for use as heating fuel, or for an agricultural, industrial, or railroad purpose; or any person purchasing special fuel in this state for use in recreational or any other types of motor vehicles. It does not include a person importing or purchasing special fuel for resale.
5. "Destination state" means any state, territory, foreign country, or sovereign nation to which special fuel is directed for delivery into a storage facility, receptacle, container, or any other type of transportation equipment, for the purposes of resale or use.
6. "Director" means the director of the department of transportation.
7. "Distributor" means a person, other than a retailer, who acquires special fuel from a refiner or supplier for subsequent wholesale distribution in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
8. ~~"Dyed special fuel" means special fuel to which an indelible dye meeting United States environmental protection agency and internal revenue service regulations has been added before or upon withdrawal at a terminal or refinery rack.~~

9. ~~"Export" means the delivery of special fuel across the boundaries of this state from a place of origin in this state by or for a refiner, supplier, or distributor.~~
10. ~~"Exporter" means a refiner, supplier, or distributor who exports special fuel out of this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.~~
11. ~~"Gallon" means a United States gallon [3.79 liters] measured on a gross volume basis.~~
12. ~~"Gross volume" means measurement in United States gallons [3.79 liters] without temperature or barometric adjustments.~~
13. ~~"Heating fuel use" means use of special fuel to heat homes, private and public office buildings, or private and public commercial buildings or use of special fuel in stoves or burners or for any other heating purposes.~~
14. ~~"Highway purpose" means any use of special fuel in any motor vehicle in any phase of construction, reconstruction, repair, or maintenance of public roads or highways, but does not include that special fuel used for heating of oils, gravel, bituminous mixture, or in any equipment used in the preparation of any materials to be used on any type of road or highway surfacing.~~
15. ~~"Import" means the delivery of special fuel across the boundaries of this state from a place of origin outside this state by a refiner, supplier, or distributor.~~
16. ~~"Importer" means a refiner, supplier, or distributor who imports special fuel into this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.~~
17. ~~"Industrial purpose" means:~~
- a. ~~A manufacturing, warehousing, or loading dock operation;~~
  - b. ~~Construction;~~
  - c. ~~Sand and gravel processing;~~
  - d. ~~Well drilling, well testing, or well servicing;~~
  - e. ~~Maintenance of business premises, golf courses, or cemeteries;~~
  - f. ~~A commercial or contract painting operation;~~
  - g. ~~Electrical services;~~
  - h. ~~A refrigeration unit on a truck;~~
  - i. ~~A power take off unit; and~~
  - j. ~~Other similar business activity.~~

~~Fuel used for an industrial purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include heating fuel, fuel used for an agricultural purpose, fuel used for a railroad purpose, or fuel used to operate a licensed motor vehicle.~~

18. ~~"Interstate motor carrier" means any person importing special fuel into this state in the fuel supply tank or tanks of any motor vehicle or combination of vehicles used, designed, or maintained for transportation of persons or property; and having two axles and a gross weight exceeding twenty six thousand pounds [1179.3401 kilograms]; or having three or more axles regardless of weight; is used in combination when the weight of such combination exceeds twenty six thousand pounds [1179.3401 kilograms] gross vehicle weight. In the case of motor vehicles that are leased or rented, the interstate motor carrier means the lessee or renter unless the~~

~~director has designated the lessor, renter, or some other person as the interstate motor carrier.~~

- ~~19. "Licensed motor vehicle" means any motor vehicle licensed for operation upon public roads or highways, but does not include a vehicle with a permanently mounted manure spreader or stack-moving unit.~~
- ~~20. "Motor vehicle" means a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion using one or more of the special fuels defined in this chapter but does not include aircraft.~~
- ~~21. "Person" means every individual, partnership, firm, association, joint venture, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit.~~
- ~~22. "Physical inventory reading" means a measurement of special fuel available for distribution in a terminal, an underground storage tank, an aboveground storage tank, or in a tank wagon, bulk delivery vehicle, railcar, barrel, drum, or other receptacle.~~
- ~~23. "Position holder" means a person holding an inventory position of special fuel in a terminal as reflected on the records of the terminal operator, a person holding the inventory position when that person has a contractual agreement with the terminal operator for the use of storage facilities or terminaling services at a terminal, and a terminal operator who owns special fuel in a terminal.~~
- ~~24. "Public road or highway" means every way or place generally open to the use of the public as a matter of right, for the purpose of motor vehicle travel, notwithstanding that it may be temporarily closed or subject to restricted travel due to construction, reconstruction, repair, or maintenance.~~
- ~~25. "Rack" means a mechanism used to dispense special fuel from a terminal.~~
- ~~26. "Railroad purpose" means the operation of railroad locomotives and the construction, reconstruction, repair, and maintenance of railroads. Fuel used for a railroad purpose includes fuel used to operate a railroad locomotive, and fuel used in a motor vehicle for purposes of construction, reconstruction, repair, and maintenance of railroads. It does not include fuel used in a licensed motor vehicle.~~
- ~~27. "Refiner" means a person who produces, manufactures, or refines special fuels in this state.~~
- ~~28. "Retail location" means a site at which special fuel is dispensed through a pump from an underground or aboveground storage unit into the supply tank of a motor vehicle.~~
- ~~29. "Retailer" means a person who acquires special fuel from a supplier or distributor for resale to a consumer at a retail location.~~
- ~~30. "Sale" means, with respect to special fuel, the transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means, for a consideration.~~
- ~~31. "Special fuel" means all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles and includes compressed natural gas, kerosene, liquefied petroleum gases, all gases and liquids which meet the specifications as determined by the state department of health pursuant to the provisions of section 19-10-10, as well as all liquids determined by the state department of health to be heating oil pursuant to the provisions of section 19-10-10, except that it does not include either motor vehicle fuels as defined in section 57-43.1-01, aviation fuels as defined in section 57-43.3-01, or antifreeze as defined by section 19-16.1-02.~~
- ~~32. "Supplier" means a refiner who distributes special fuel from a terminal in this state, or a person who acquires special fuel by pipeline from a state, territory, or possession of the United States or from a foreign country, for~~

~~storage at and distribution from a terminal, or a person who acquires special fuel by truck or railcar for storage at and distribution from a terminal in this state.~~

33. ~~"Taxpayer" means a refiner, supplier, distributor, importer, exporter, terminal operator, or retailer.~~
34. ~~"Terminal" means a special fuel storage and distribution facility that is supplied by a refinery or pipeline and from which the special fuel may be removed from the rack.~~
35. ~~"Terminal operator" means a person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal. If a terminal is owned by coventurers, "terminal operator" means the person appointed to exercise the responsibility for, or physical control over, and operation of the terminal.~~
36. ~~"Wholesale distribution" means the sale of special fuel by a supplier or distributor.~~

**SECTION 4. AMENDMENT.** Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**~~57-43.2-02. (Contingent effective date — See note — Effective through June 30, 2003) Tax imposed.~~**

1. Except as otherwise provided in this chapter, an excise tax of twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

**~~(Effective after June 30, 2003) Tax imposed.~~**

1. ~~Except as otherwise provided in this chapter, an excise tax of twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.~~
2. ~~A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.~~

3. ~~The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.~~
4. ~~The person required to remit the tax imposed by this section shall pass the tax on to the customer.~~
5. ~~The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.~~
6. ~~The commissioner shall pay over all of the money received during each calendar month to the state treasurer."~~

Page 1, line 18, replace "This" with "Sections 1, 3, and 4 of this Act are effective for taxable events occurring after June 30, 2003. Section 2 of this"

Re-number accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1358**

That the proposed amendments to Engrossed House Bill No. 1358 as printed on pages 797-799 of the Senate Journal be amended as follows:

Page 798 of the Senate Journal, line 35, remove "and replace "thirty-two""

Page 798 of the Senate Journal, remove line 36

Re-number accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1439**

Page 1, line 1, remove "create and enact a new paragraph to subdivision b of subsection 3 of"

Page 1, line 2, remove "section 39-06.1-10; to"

Page 1, line 3, replace "39-09-02" with "39-20-04"

Page 1, line 4, replace "speed limits and" with "the"

Page 1, remove lines 7 through 13

Page 1, line 20, remove "of at least"

Page 1, line 21, remove "eight one-hundredths of one percent by weight and"

Page 1, line 22, remove ". The director shall waive the"

Page 1, remove line 23

Page 2, remove line 1

Page 2, line 2, remove "vehicle"

Page 2, line 17, remove "of at least"

Page 2, line 18, remove "eight one-hundredths of one percent by weight and"

Page 6, line 4, remove the overstrike over "~~ten~~" and remove "eight"

Page 6, line 20, remove "of an infraction if"

Page 6, remove lines 21 and 22

Page 6, line 23, remove "five-year period," and remove "at least"

Page 6, line 24, remove "eleven one-hundredths of one percent by weight and"

Page 6, line 25, remove the overstrike over "~~or second~~" and remove "or if the"

Page 6, remove lines 26 and 27

Page 6, line 30, remove "at least eight"

Page 6, line 31, remove "one-hundredths of one percent by weight and"

Page 7, line 8, after the period insert "A person convicted of violating subdivision b of subsection 1 is conclusively presumed to have an alcohol concentration of at least sixteen one-hundredths of one percent by weight."

Page 7, line 17, remove "if the alcohol concentration was at at least eight"

Page 7, remove line 18

Page 7, line 19, remove "of one percent by weight" and remove "a fine of at least one"

Page 7, line 20, remove "hundred dollars or" and remove "at least eleven"

Page 7, line 21, remove "one-hundredths of one percent by weight and"

Page 7, line 29, remove "at least eight one-hundredths of one"

Page 7, line 30, remove "percent by weight and"

Page 8, line 7, remove "at least eight one-hundredths of one percent by weight and"

Page 9, replace lines 5 through 30 with:

**"SECTION 3. AMENDMENT.** Section 39-20-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing.**

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this

chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

- a. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
  - b. ~~Two~~ Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
  - c. ~~Three~~ Five years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination ~~thereof~~ of the same, and the suspensions, revocations, or denials resulted from at least two separate arrests.
2. A person's driving privileges are not subject to revocation under ~~this section~~ subdivision a of subsection 1 if all of the following criteria are met:
- a. ~~No~~ An administrative hearing is not held under section 39-20-05;
  - b. The person mails an affidavit to the director within twenty-five days after the temporary operator's permit is issued. The affidavit must state that the person:
    - (1) Intends to voluntarily plead guilty to violating section 39-08-01 or equivalent ordinance with an alcohol concentration under sixteen one-hundredths of one percent by weight within twenty-five days after the temporary operator's permit is issued;
    - (2) Agrees that the person's driving privileges must be suspended as provided under section 39-06.1-10;
    - (3) Acknowledges the right to a section 39-20-05 administrative hearing and section 39-20-06 judicial review and voluntarily and knowingly waives these rights; and
    - (4) Agrees that the person's driving privileges must be revoked as provided under this section without an administrative hearing or judicial review, if the person does not plead guilty within twenty-five days after the temporary operator's permit is issued, or the court does not accept the guilty plea, or the guilty plea is withdrawn;
  - c. The person pleads guilty to violating section 39-08-01 or equivalent ordinance with an alcohol concentration under sixteen one-hundredths of one percent by weight within twenty-five days after the temporary operator's permit is issued;
  - d. The court accepts the person's guilty plea and a notice of that fact is mailed to the director within twenty-five days after the temporary operator's permit is issued; and
  - e. A copy of the final order or judgment of conviction evidencing the acceptance of the person's guilty plea is received by the director prior to the return or reinstatement of the person's driving privileges.

3. The court must mail a copy of an order granting a withdrawal of a guilty plea to violating section 39-08-01, or equivalent ordinance, to the director within ten days after it is ordered. Upon receipt of the order, the director shall immediately revoke the person's driving privileges as provided under this section without providing an administrative hearing."

Page 10, remove lines 1 through 26

Page 11, line 14, remove "of at least eight one-hundredths of"

Page 11, line 15, remove "one percent by weight and"

Page 11, line 16, remove ". The director shall waive the suspension if the alcohol concentration"

Page 11, remove line 17

Page 11, line 18, remove "was not operating a commercial motor vehicle"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1024, HB 1060, HB 1260, HB 1330, HB 1360, HB 1420.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1206, HB 1257, HB 1282.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1065, HB 1067, HB 1070, HB 1096, HB 1102, HB 1106, HB 1108, HB 1115, HB 1119, HB 1129, HB 1136, HB 1139, HB 1142, HB 1148, HB 1167, HB 1186, HB 1192, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, HB 1400, HB 1443, HB 1503.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2070, SB 2074, SB 2155, SB 2157, SB 2168, SB 2191, SB 2195, SB 2207, SB 2212, SB 2220, SB 2258, SB 2268, SB 2271, SB 2274, SB 2277, SB 2278, SB 2281, SB 2298, SB 2321, SB 2328, SB 2329, SB 2342, SB 2344, SB 2347, SB 2359, SB 2362, SB 2365, SB 2372, SB 2378, SB 2379, SB 2393, SB 2414, SB 2419, SCR 4014, SCR 4019, SCR 4024.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 25, 2003: HB 1065, HB 1067, HB 1070, HB 1096, HB 1102, HB 1106, HB 1108, HB 1115, HB 1119, HB 1129, HB 1136, HB 1139, HB 1142, HB 1148, HB 1167, HB 1186, HB 1192, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, HB 1400, HB 1443, HB 1503.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2031, SB 2305.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2036, SB 2235, SB 2248, SB 2262, SB 2275.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2070, SB 2074, SB 2155, SB 2157, SB 2168, SB 2191, SB 2195, SB 2207, SB 2212, SB 2220, SB 2258, SB 2268, SB 2271, SB 2274, SB 2277, SB 2278, SB 2281, SB 2298, SB 2321, SB 2328, SB 2329, SB 2342, SB 2344, SB 2347, SB 2359, SB 2362, SB 2365, SB 2372, SB 2378, SB 2379, SB 2393, SB 2414, SB 2419.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SCR 4014, SCR 4019, SCR 4024.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCR 3038, HCR 3048, HCR 3062, HCR 3064, HCR 3075.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1238, HB 1263, HB 1299, HB 1423.

**REPORT OF STANDING COMMITTEE**

**SB 2254: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over the overstruck comma and replace "as determined by the commission by rule" with "not to exceed two hundred dollars."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2311, as reengrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2311 was placed on the Sixth order on the calendar.

Page 1, remove lines 10 and 11

Page 2, line 16, remove "- **Governor to appoint**"

Page 2, line 17, replace "governor shall appoint an oil and gas research council composed of nine" with "oil and gas research council is composed of seven members, four of whom must currently be engaged in and have at least five years of active experience in the oil and natural gas exploration and production industry. The council consists of:

- a. Four members appointed by the governor from a list provided by the North Dakota oil and gas association. The governor may reject the list and request the association to submit a new list until the appointments are made.
- b. One member appointed by the governor from a list provided by the North Dakota association of oil and gas producing counties. The governor may reject the list and request the association to submit a new list until the appointment is made.
- c. The executive director of the North Dakota petroleum council, or the executive director's designee.
- d. A county commissioner selected by the North Dakota association of oil and gas producing counties."

Page 2, remove lines 18 through 21

Page 2, line 23, replace the first "three" with "two" and replace the second "three" with "two"

Page 2, line 29, replace "Six" with "Four"

Page 3, line 5, replace "A member" with "Members" and replace "serves" with "appointed by the governor serve"

Page 4, line 12, replace "if the estimates for the oil and gas gross production tax and the oil" with "the first fifty thousand dollars of revenue from the oil and gas production tax and oil extraction tax"

Page 4, remove line 13

Page 4, line 14, remove "hundred fifty-nine dollars, the excess, up to four thousand nine hundred dollars,"

Page 4, line 15, replace "as provided in this" with a period

Page 4, replace lines 16 through 22 with "In the 2003-05 biennium, if the estimates for the oil and gas gross production tax and the oil extraction tax in any revenue forecast exceed seventy-one million sixty-four thousand dollars, the excess, up to two million dollars, must be deposited into the oil and gas research fund. At the end of each calendar

quarter, the state treasurer shall transfer three percent of the state's share of the oil and gas gross production tax and oil extraction tax revenues that have been deposited into the general fund in the previous three months into the oil and gas research fund. When transfers to the oil and gas research fund reach two million dollars in the 2003-05 biennium, no further transfers may be made. If subsequent revenue projections during the 2003-05 biennium reduce the revenue forecast for the oil and gas production tax and oil extraction tax to seventy-one million sixty-four thousand dollars or less, transfers to the fund shall cease."

Page 4, line 23, remove "thousand six hundred fifty-nine dollars or less, transfers to the fund shall cease."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2323: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 17, remove ", domestic animals, or nontraditional livestock"

Page 1, line 19, remove the comma

Page 1, line 20, after "governor" insert ", after consultation with the state veterinarian or board of animal health," and remove ", domestic animal, and"

Page 1, line 21, remove "nontraditional livestock"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE (MAJORITY)

**SB 2394, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** A **MAJORITY** of your committee (Reps. Grande, Haas, Kasper, M. Klein, Klemin, Meier, Potter, Tieman, Winrich) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**.

Page 1, line 16, replace "or" with an underscored comma

Page 1, line 17, after "establishment" insert ", or any other abode"

Page 2, line 27, replace "office" with "offices"

Page 2, line 28, after "incurred" insert "in performing those duties"

Page 3, line 1, replace "Before" with "Not later than" and replace "2004" with "2006"

Page 3, line 7, replace "2000 and 2002" with "the two previous election years"

Page 3, line 9, replace "2000 and 2002" with "the two previous election years"

Page 3, line 10, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 12, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 17, replace "2000 and 2002" with "the two previous election years"

Page 3, line 24, replace "2000" with "the two previous election years"

Page 3, line 25, remove "and 2002"

Page 5, line 6, replace "city" with "address"

Page 9, line 7, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 9, line 11, replace "maintenance" with "administration"

Page 9, after line 24, insert:

"3. The complete mailing address of the individual, if different from the individual's residential address."

Page 9, line 25, replace "3." with "4."

Page 9, remove lines 26 through 29

Page 10, line 1, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 10, line 4, replace "maintenance" with "administration"

Page 10, line 31, after the underscored comma insert "except if the suspected violation may have been committed by the county auditor, in which case the report must be immediately transmitted to the state's attorney,"

Page 12, after line 4, insert:

"e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3."

Page 12, line 8, after "identification" insert "is not" and after "provided" insert "or"

Page 13, line 23, remove "which displays the individual's date of birth" and after the underscored period insert "If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct."

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE (MINORITY)

**SB 2394, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) A MINORITY of your committee (Reps. Amerman, Devlin, Sitte, Wikenheiser, Williams) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee.****

Page 1, line 16, remove ", shown by an actual fixed permanent dwelling or"

Page 1, line 17, remove "establishment"

Page 2, line 27, replace "office" with "offices"

Page 2, line 28, after "incurred" insert "in performing those duties"

Page 3, line 1, replace "Before" with "Not later than" and replace "2004" with "2006"

Page 3, line 7, replace "2000 and 2002" with "the two previous election years"

Page 3, line 9, replace "2000 and 2002" with "the two previous election years"

Page 3, line 10, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 12, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 17, replace "2000 and 2002" with "the two previous election years"

Page 3, line 24, replace "2000" with "the two previous election years"

Page 3, line 25, remove "and 2002"

Page 5, line 6, replace "city" with "address"

Page 9, line 7, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 9, line 11, replace "maintenance" with "administration"

Page 9, after line 24, insert:

"3. The complete mailing address of the individual, if different from the individual's residential address."

Page 9, line 25, replace "3." with "4."

Page 9, remove lines 26 through 29

Page 10, line 1, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 10, line 4, replace "maintenance" with "administration"

Page 10, line 31, after the underscored comma insert "except if the suspected violation may have been committed by the county auditor, in which case the report must be immediately transmitted to the state's attorney,"

Page 12, after line 4, insert:

"e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3."

Page 12, line 8, after "identification" insert "is not" and after "provided" insert "or"

Page 13, line 23, remove "which displays the individual's date of birth" and after the underscored period insert "If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct."

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

**SCR 4010: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4010 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "adopt" with "adequately fund and the Secretary of Agriculture to expeditiously implement and expand"

Page 1, line 19, replace "adopt" with "adequately fund and the Secretary of Agriculture to expeditiously implement and expand"

Renumber accordingly

#### 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 1:00 p.m., Wednesday, March 26, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

