

## JOURNAL OF THE SENATE

## Sixty-eighth Legislative Assembly

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Bismarck, April 24, 2023

The Senate convened at 8:00 a.m., with President Miller presiding.

The prayer was offered by Senator Clemens, District 16, West Fargo.

The roll was called and all members were present.

A quorum was declared by the President.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2129, as reengrossed:** Your conference committee (Sens. Cleary, Clemens, Davison and Reps. S. Olson, Schneider, Stemen) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1698-1699 and place SB 2129 on the Seventh order.

Reengrossed SB 2129 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2164, as engrossed:** Your conference committee (Sens. K. Roers, Davison, Braunberger and Reps. Kasper, Steiner, Schauer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1588-1589, adopt amendments as follows, and place SB 2164 on the Seventh order:

That the House recede from its amendments as printed on pages 1588 and 1589 of the Senate Journal and pages 1780 and 1781 of the House Journal and that Engrossed Senate Bill No. 2164 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code, relating to retirement board membership; to provide an effective date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 54-52-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-03. Governing authority.**

1. A state agency is hereby created to constitute the governing authority of the system to consist of a board of ~~nine~~eleven individuals known as the retirement board. No more than one elected member of the board may be in the employ of a single department, institution, or agency of the state or in the employ of a political subdivision. An employee of the public employees retirement system or the state retirement and investment office may not serve on the board.
4. ~~Two~~
2. Four members of the legislative assembly must be appointed by the ~~chairman of the legislative management~~ to serve on the board.
  - a. ~~If the same political party has the greatest number of members in both the house and senate, one member must be from that majority party and one member from the political party with the next greatest number of members in the house and senate.~~
  - b. ~~If the same political party does not have the greatest number of members in both the house and senate, one member must be from~~

~~the majority party in the house and one member must be from the majority party in the senate.~~

2. ~~One member~~The majority leader of the house of representatives shall appoint two members of the house of representatives and the majority leader of the senate shall appoint two members of the senate. The members appointed under this subsection shall serve a term of two years.
3. ~~Four members of the board must be appointed by the governor to serve a term of five years. The~~Each appointee under this subsection must be a North Dakota citizen who is not a state or political subdivision employee and whoby experience, by trade or profession, is familiar with money-managementretirement and employee benefit plans. The governor shall appoint one citizen member isto serve as chairman of the board.
3. ~~One member of the board must be appointed by the attorney general from the attorney general's legal staff and shall serve a term of five years.~~
4. ~~The state health officer appointed under section 23-01-05 or the state health officer's designee is a member of the board.~~
- 5.4. Three board members must be elected by and from among the active participating members, members of the retirement plan established under chapter 54-52.6, members of the retirement plan established under chapter 39-03.1, and members of the job service North Dakota retirement plan. Employees who have terminated their employment for whatever reason are not eligible to serve as elected members of the board under this subsection. Board members must be elected to a five-year term pursuant to an election called by the board. Notice of board elections must be given to all active participating members. The time spent in performing duties as a board member may not be charged against any employee's accumulated annual or any other type of leave.
6. ~~One board member must be elected by and from among those individuals who are receiving retirement benefits under this chapter. The board shall call the election and must give prior notice of the election to the individuals eligible to participate in the election pursuant to this subsection. The board member shall serve a term of five years.~~
- 7.5. The members of the board are entitled to receive one hundred forty-eight dollars per day compensation and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due the chairman or a member, plus an allowance for expenses they may incur through service on the board.
- 8.6. A board member shall serve ~~a five-year term and~~ until the board member's successor qualifies. Each board member is entitled to one vote, and ~~five~~six of the ~~nine~~eleven board members constitute a quorum. ~~Five~~Six votes are necessary for resolution or action by the board at any meeting.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective June 1, 2023.

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

Renumber accordingly

Engrossed SB 2164 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2168:** Your conference committee (Sens. Rummel, Larsen, Clemens and Reps. Koppelman, Timmons, Weisz) recommends that the **HOUSE RECEDE** from the

House amendments as printed on SJ pages 1532-1535, adopt amendments as follows, and place SB 2168 on the Seventh order:

That the House recede from its amendments as printed on pages 1532-1535 of the Senate Journal and pages 1741-1745 of the House Journal and that Senate Bill No. 2168 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06.1-06, subdivision i of subsection 1 of section 39-09-02, section 39-21-41.4, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to speeding violations, use of safety belts, and city fines and penalties; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-06. Amount of statutory fees.**

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
  - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
  - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
  - h. A violation of section 39-10-59, a fee of five hundred dollars.
  - i. A violation of section 39-09-01, a fee of thirty dollars.
  - j. A violation of section 39-09-01.1, a fee of thirty dollars.
  - k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
  - l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.
- 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
- 4. ~~Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over

lawful speed limit    Fee

~~1-5            \$ 5~~

~~6-10          \$ 5 plus \$1/each mph over 5 mph over limit~~

~~11-15        \$ 10 plus \$1/each mph over 10 mph over limit~~

~~16-20        \$ 15 plus \$2/each mph over 15 mph over limit~~

~~21-25        \$ 25 plus \$3/each mph over 20 mph over limit~~

~~26-35        \$ 40 plus \$3/each mph over 25 mph over limit~~

~~36-45        \$ 70 plus \$3/each mph over 35 mph over limit~~

~~46+          \$100 plus \$5/each mph over 45 mph over limit~~

- 5. On a highway on which the speed limit is a speed ~~higher than fifty-five miles [88.51 kilometers] of sixty-five miles [104.61 kilometers]~~ an hour ~~or lower~~, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over

lawful speed limit    Fee

1 - 10          \$2/each mph over limit

11 +            \$20 plus \$5/each mph over 10 mph over limit

- ~~6-5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:
  - a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
  - b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
  - c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and

- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.
- ~~7-6.~~ On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.
- ~~8-7.~~ For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.
- ~~9-8.~~ For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".
9. If a violation of subsection 4, 6, 7, or 8 is for exceeding the speed limit by twenty-one miles [33.8 kilometers] per hour or more in a speed zone of less than seventy-five miles [120.7 kilometers] per hour, the specified fee is increased by one hundred dollars. If a violation of subsection 6 is for exceeding the speed limit by sixteen miles [25.75 kilometers] per hour or more in a speed zone of seventy-five miles [120.7 kilometers] per hour or greater, the specified fee is increased by one hundred dollars.

**SECTION 2. AMENDMENT.** Subdivision i of subsection 1 of section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- i. ~~Seventy-five~~Eighty miles [~~120.70~~128.75 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.

**SECTION 3. AMENDMENT.** Section 39-21-41.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement - Evidence.**

~~Subject to the limitations of this section and section 39-21-41.5, a~~

- ~~1.~~ A driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front-seat occupant is wearing a properly adjusted and fastened safety belt.
- ~~2.~~ This section does not apply to a child in a child restraint or safety belt in accordance with section 39-21-41.2; to the operators of construction equipment; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on duty delivering mail; to an authorized emergency vehicle when the circumstances are necessary for the proper performance of official duties; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; or when all front-seat safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not

wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

3. The fee imposed for a violation of this section must be issued to:

a. The driver if the violation is by the driver or a passenger who is a minor; or

b. The adult passenger if the violation was by an adult passenger.

**SECTION 4. AMENDMENT.** Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06 except for a violation of a speed limitation."

Renumber accordingly

SB 2168 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2170, as engrossed:** Your conference committee (Sens. Wobbema, Sickler, Piepkorn and Reps. Koppelman, Kasper, Dakane) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1659-1660 and place SB 2170 on the Seventh order.

Engrossed SB 2170 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2181, as engrossed:** Your conference committee (Sens. K. Roers, Cleary, Dever and Reps. McLeod, Frelich, Strinden) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1701-1702 and place SB 2181 on the Seventh order.

Engrossed SB 2181 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2198:** Your conference committee (Sens. Axtman, Larson, Piepkorn and Reps. Wagner, J. Johnson, Schauer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1660, adopt amendments as follows, and place SB 2198 on the Seventh order:

That the House recede from its amendments as printed on page 1660 of the Senate Journal and page 1908 of the House Journal and that Senate Bill No. 2198 be amended as follows:

Page 1, line 22, replace "health condition" with "injury or illness under the definition of serious injury or illness for a military service member or veteran as adopted by the United States department of labor"

Page 2, line 11, after "to" insert "a combined"

Renumber accordingly

SB 2198 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2345, as reengrossed:** Your conference committee (Sens. Lee, Hogan, Dever and Reps. M. Ruby, Beltz, Davis) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1702, adopt amendments as follows, and place SB 2345 on the Seventh order:

That the House recede from its amendments as printed on page 1702 of the Senate Journal and page 1957 of the House Journal and that Reengrossed Senate Bill No. 2345 be amended as follows:

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 4 of section 43-41-09 of the North Dakota Century Code, relating to the licensure of social workers;"

Page 2, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 4 of section 43-41-09 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~Approve examinations for licensing~~License social workers. ~~The board may:~~
  - a. Suspend the use of an examination for licensure.
  - b. Waive examination requirements and create a process under which an applicant may apply for a waiver to licensure examination requirements.
  - c. Create alternative requirements that do not require an examination to ascertain the qualifications and fitness of a candidate for a license to engage in the practice of social work."

Renumber accordingly

Reengrossed SB 2345 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1002, as engrossed:** Your conference committee (Sens. Dwyer, K. Roers, Vedaa and Reps. Nathe, Swiontek, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1601-1606 and place HB 1002 on the Seventh order.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1239, as engrossed:** Your conference committee (Sens. Weber, Myrdal, Lemm and Reps. Beltz, Schreiber-Beck, VanWinkle) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1627 and place HB 1239 on the Seventh order.

Engrossed HB 1239 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1310, as engrossed:** Your conference committee (Sens. Paulson, Rummel, Larsen and Reps. Boschee, Wagner, J. Johnson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1486-1487 and place HB 1310 on the Seventh order.

Engrossed HB 1310 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1371, as engrossed:** Your conference committee (Sens. Luick, Myrdal, Lemm and Reps. Thomas, Beltz, Prichard) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1537-1561, adopt amendments as follows, and place HB 1371 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1537-1561 of the House Journal and pages 1268-1293 of the Senate Journal and that Engrossed House Bill No. 1371 be amended as follows:

Page 1, line 2, after "corporation" insert "and authorized livestock farm limited liability company"

Page 1, line 2, after the second comma, insert "and"

Page 1, line 3, remove the comma

Page 1, line 4, replace the second "and" with "10-06.1-03,"

Page 1, line 5, replace "subsection 2 of section" with "10-06.1-05, 10-06.1-06, 10-06.1-07, and 10-06.1-08, subsection 1 of section 10-06.1-09, and sections 10-06.1-10, and 10-06.1-11,"

Page 1, line 5, remove "and sections"

Page 1, line 5, after the fourth comma insert "10-06.1-15, 10-06.1-16,"

Page 1, line 6, after the first comma insert "10-06.1-18, 10-06.1-19, 10-06.1-20,"

Page 1, line 6, after the third comma insert "10-06.1-23, 10-06.1-24, 10-06.1-25,"

Page 1, line 8, replace "cattle" with "livestock"

Page 1, line 9, remove the second "and"

Page 1, line 10, after "penalty" insert "; and to declare an emergency"

Page 1, line 18, after the third underscored comma insert "or"

Page 1, line 18, after "or" insert "the business of"

Page 1, line 20, remove "agriculture"

Page 1, line 22, after the second "corporation" insert ", joint-stock company or association"

Page 1, line 22, replace "cattle" with "livestock"

Page 1, line 23, replace "cattle" with "livestock"

Page 2, line 1, after the second "products" insert "which is allowed to engage in the business of farming or ranching under section 13 of this Act,"

Page 2, line 4, replace the first "cattle" with "livestock"

Page 2, line 4, replace the second "cattle" with "livestock"

Page 2, line 4, after "of" insert "poultry or"

Page 2, line 5, after the second "products" insert "which is allowed to engage in the business of farming or ranching under section 13 of this Act,"

Page 2, line 7, remove "Cattle backgrounding" means the feeding or growing of cattle from weaning until the

Page 2, remove lines 8 and 9

Page 2, line 10, replace "expeditiously preparing the cattle for harvest" with "Beekeeping" means the breeding or rearing of bee colonies or the owning, maintenance, or management of bee apiaries"

Page 2, line 11, replace "7." with "6."

Page 2, line 13, replace "8." with "7. a."

Page 2, line 13, overstrike "cultivating land for production of agricultural crops or"



Page 2, line 14, overstrike "livestock, or the"

Page 2, line 14, overstrike "of" and insert immediately thereafter "agricultural crops, fruit, horticultural products, or"

Page 2, line 14, overstrike "poultry or"

Page 2, line 15, overstrike "poultry products, milk or dairy products, or fruit or horticultural products. It" and insert immediately thereafter "or livestock backgrounding, or livestock fishing."

b. The term"

Page 2, line 17, replace "a." with "(1)"

Page 2, line 18, replace "b." with "(2) Aquaculture or greenhouse agriculture by a person that has farmland or ranchland holdings not exceeding forty acres [16.19 hectares]:"

(3) Beekeeping:

(4)"

Page 2, line 19, replace "c." with "(5)"

Page 2, remove lines 20 and 21

Page 2, line 22, remove "agricultural landholding not exceeding forty acres [16.19 hectares]:"

Page 2, line 23, replace "f." with "(6)"

Page 2, line 25, replace "9." with "8."

Page 2, line 26, after "association" insert "which is allowed to engage in the business of farming or ranching under section 10-06.1-12."

Page 2, line 28, replace "10." with "9."

Page 2, line 29, after "company" insert "which is allowed to engage in the business of farming or ranching under section 10-06.1-12."

Page 2, after line 29, insert:

"10. "Farmland or ranchland" means agricultural land in this state used for farming or ranching."

Page 3, line 4, after "12." insert """Livestock" includes beef cattle, dairy cattle, elk, bison, poultry, swine, sheep, goats, llamas, and alpacas."

13. "Livestock backgrounding" means the feeding or growing of livestock from weaning until the livestock enter a livestock finishing feedlot or facility.

14. "Livestock finishing" means the feeding or growing of livestock for the purpose of expeditiously preparing the livestock for harvest.

15."

Page 3, line 16, replace "13." with "16."

Page 3, line 16, remove "day-to-day"

Page 3, line 17, remove "day-to-day"

Page 3, line 18, remove "significantly"

Page 3, after line 22, insert:

"1."

Page 3, line 24, overstrike "land used for farming or ranching" and insert immediately thereafter "farmland or ranchland"

Page 3, line 25, after the period insert:

"2."

Page 3, line 26, overstrike "that is" and insert immediately thereafter "under title 45 which owns or leases farmland or ranchland or engages"

Page 3, line 27, after the period insert:

"3."

Page 3, line 27, after "provision" insert "of law"

Page 3, line 28, remove "is"

Page 3, line 29, replace "prohibited from being" with "may not be"

Page 3, line 29, remove "owning or leasing land used for farming or"

Page 3, line 30, replace "ranching or engaging" with "under title 45 which owns or leases farmland or ranchland or engages"

Page 3, line 30, remove ", a shareholder of an authorized"

Page 3, line 31, remove "livestock farm corporation, or a member of an authorized livestock farm limited liability company"

Page 3, after line 31, insert:

**"SECTION 3. AMENDMENT.** Section 10-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-03. Retention of mineral interests prohibited.**

For land and minerals acquired after July 1, 1985, any corporation or limited liability company that acquires mineral interests through foreclosure or in lieu of foreclosure which were not specifically valued at the time the security interest in the minerals was acquired, and which is prohibited from owning or leasing ~~land used in farming or ranching~~farmland or ranchland, is prohibited from retaining mineral interests in ~~land used for farming or ranching~~farmland or ranchland when the corporation or limited liability company divests itself of the land, and the mineral interests must be passed with the surface estate of the land when the corporation or limited liability company divests itself of the land under this chapter."

Page 4, after line 3 insert:

"1."

Page 4, line 5, after "corporation" insert "or an authorized livestock farm corporation"

Page 4, line 9, after "10-06.1-15" insert "or section 18 of this Act"

Page 4, line 9, after the period insert:

"2."

Page 4, line 9, after the first "corporation" insert "or an authorized livestock farm corporation"

Page 4, line 13, replace "and" with "or"

Page 4, line 13, replace "11" with "21"

Page 4, replace lines 16 through 22 with:

**"SECTION 5. AMENDMENT.** Section 10-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-05. Conversion of limited liability company.**

1. A business limited liability company regulated under chapter 10-32.1 may convert to a farming or ranching limited liability company or an authorized livestock farm limited liability company by adopting an amendment to its articles of organization or by applying for an amended certificate of authority which specifies that the limited liability company elects to be subject to this chapter and by complying with all requirements of this chapter. The amendment must be filed with the secretary of state with the prescribed fee and with the initial report required by section 10-06.1-15 or section 18 of this Act.
2. A farming or ranching limited liability company or an authorized livestock farm limited liability company may convert to a business limited liability company by adopting an amendment to its articles of organization or by applying for an amended certificate of authority. The amendment must be filed with the secretary of state with the prescribed fee. The amendment must be accompanied by a report outlining the information, as of the date of the amendment, which is required under section 10-06.1-17 or section 21 of this Act, and the manner in which the limited liability company has divested itself of its owned or leased land holdings and its business of farming or ranching.

**SECTION 6. AMENDMENT.** Section 10-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-06. Surface coal mining - Exception.**

A corporation or limited liability company not engaged in the business of farming or ranching may own or lease ~~lands used for farming or ranching~~ farmland or ranchland, when the business of ~~such a~~ the corporation or limited liability company is the conducting of surface coal mining operations or related energy conversion, and when the owning or leasing of ~~lands used for farming or ranching~~ farmland or ranchland is reasonably necessary in the conduct of the business of surface coal mining or related energy conversion. When the necessity for owning or leasing of ~~lands used for farming or ranching~~ farmland or ranchland no longer exists, the exception provided in this section ceases and the corporation or limited liability company owning or leasing ~~such~~ the lands is subject to this chapter.

**SECTION 7. AMENDMENT.** Section 10-06.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-07. Industrial and business purpose ~~exception-~~ Exception.**

A corporation or limited liability company that is not engaged in the business of farming or ranching may own or lease ~~land used for farming or ranching~~ farmland or ranchland when the land is necessary for residential or commercial development; the siting of buildings, plants, facilities, industrial parks, or similar business or industrial purposes of the corporation or limited liability company; or for uses supportive of or ancillary to adjacent ~~nonagricultural~~ land that is not farmland or ranchland for the benefit of both land parcels. The farmland or ranchland while not being immediately used for any purpose of the corporation or limited liability company must be available to be leased by persons who farm or ranch as sole proprietorships or partnerships, or by farming or ranching corporations or farming or ranching limited liability companies ~~allowed to engage in farming or ranching under section 10-06.1-12.~~

**SECTION 8. AMENDMENT.** Section 10-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-08. Cooperative corporations allowed to engage in the business of farming or ranching - Requirements.**

This chapter does not prohibit cooperative corporations, seventy-five percent of whose members or shareholders are actual farmers or ranchers residing on farms or ranches or depending principally on farming or ranching for their livelihood, from acquiring ~~real estate~~farmland or ranchland and engaging in the business of cooperative farming or ranching.

**SECTION 9. AMENDMENT.** Subsection 1 of section 10-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

1. A nonprofit organization or a trust for the benefit of an individual or a class of individuals related within the degrees of kinship specified in subsection 2 of section 10-06.1-12 may own or lease farmland or ranchland if that land is leased to a person who farms or ranches the land as a sole proprietorship or partnership, or a farming or ranching corporation or a farming or ranching limited liability company~~-allowed to engage in farming or ranching under section 10-06.1-12.~~

**SECTION 10. AMENDMENT.** Section 10-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-10. Acquisition of certain farmland or ranchland by certain nonprofit organizations.**

A nonprofit organization may acquire farmland or ranchland only in accordance with the following:

1. Unless it is permitted to own or lease farmland or ranchland under section 10-06.1-09, the nonprofit organization must have been either incorporated in this state or issued a certificate of authority to do business in this state before January 1, 1985, or, before January 1, 1987, have been incorporated in this state if the nonprofit organization was created or authorized under Public Law No. 99-294 [100 Stat. 418]. A nonprofit organization created or authorized under Public Law No. 99-294 [100 Stat. 418] may acquire no more than twelve thousand acres [4856.228 hectares] of land from interest derived from state, federal, and private sources held in its trust fund.
2. The ~~land~~farmland or ranchland may be acquired only for the purpose of conserving natural areas and habitats for biota, and, after acquisition:
  - a. The land must be maintained and managed for the purpose of conserving natural area and habitat for biota.
  - b. Any agricultural use of the land is in accordance with the management of the land for conservation and agricultural use, and is by a sole proprietorship or partnership, or a farming or ranching corporation or a farming or ranching limited liability company~~-allowed to engage in farming or ranching under section 10-06.1-12.~~
  - c. If any parcel of the land is open to hunting, it must be open to hunting by the general public.
  - d. The nonprofit organization must fully comply with all state laws relating to the control of noxious and other weeds and insects.
  - e. The nonprofit organization must make payments in lieu of property taxes on the property, calculated in the same manner as if the property was subject to full assessment and levy of property taxes.

- f. All property subject to valuation must be assessed for the purpose of making the payments under subdivision e in the same manner as other real property in this state is assessed for tax purposes. Before June thirtieth of each year, the county auditor of any county in which property subject to valuation is located shall give written notice to the nonprofit organization and the tax commissioner of the value placed by the county board of equalization upon each parcel of property subject to valuation in the county.
3.
  - a. Before farmland or ranchland may be purchased by a nonprofit organization for the purpose of conserving natural areas and habitats for biota, the governor must approve the proposed acquisition.
  - b. A nonprofit organization that desires to purchase farmland or ranchland for the purpose of conserving natural areas and habitats for biota shall first submit a proposed acquisition plan to the agriculture commissioner who shall convene an advisory committee consisting of the director of the parks and recreation department, the agriculture commissioner, the state forester, the director of the game and fish department, the president of the North Dakota farmers union, the president of the North Dakota farm bureau, the president of the North Dakota stockmen's association, and the chairman of the county commission of any county affected by the acquisition, or their designees.
  - c. The advisory committee shall hold a public hearing with the board of county commissioners concerning the proposed acquisition plan and shall make recommendations to the governor within forty-five days after receipt of the proposed acquisition plan.
  - d. The governor shall approve or disapprove any proposed acquisition plan, or any part thereof, within thirty days after receipt of the recommendations from the advisory committee.
4. Land acquired in accordance with this section may not be conveyed to the United States or any agency or instrumentality of the United States.
5. On failure to qualify to continue ownership under subsection 2, the land must be disposed of within five years of that failure to qualify.

**SECTION 11. AMENDMENT.** Section 10-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-11. Required nonprofit organization divestiture of agricultural-~~land~~farmland or ranchland.**

In addition to the divestiture requirements of sections 10-06.1-10 and 10-06.1-24, a nonprofit ~~corporation~~organization that acquires ~~land~~farmland or ranchland by gift or devise after December 31, 1984, the ownership of which is not permitted under this chapter, shall divest itself of the land within ten years after the acquisition. For purposes of this section, "ownership" means holding either fee or equitable title, unless fee title is held solely as security for payment of the purchase price, or unless fee title does not carry with it the right to immediate possession of the property. If the ~~corporation~~organization fails to divest itself of the land within the required time, the attorney general shall take action under section 10-06.1-24.

**SECTION 12. AMENDMENT.** Section 10-06.1-12 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-12. Corporation~~Farming or ranching corporation or farming or ranching~~ limited liability company allowed to engage in the business of farming or ranching - Requirements.**

This chapter does not prohibit a farming or ranching corporation or a farming or ranching limited liability company from owning ~~real estate~~or leasing farmland or

ranchland and engaging in the business of farming or ranching, if the corporation meets all the requirements of chapter 10-19.1 or the limited liability company meets all the requirements of chapter 10-32.1 which are not inconsistent with this chapter. The following requirements also apply:

1.
  - a. If a farming or ranching corporation, the corporation must not have more than fifteen shareholders.
  - b. If a farming or ranching limited liability company, the limited liability company must not have more than fifteen members.
2. Each shareholder or member must be related to each of the other shareholders or members within one of the following degrees of kinship or affinity: parent, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece, great-grandparent, great-grandchild, first cousin, second cousin, or the spouse or surviving spouse of a person so related.
3. Each shareholder or member must be an individual or one of the following:
  - a. A trust for the benefit of an individual or a class of individuals who are related to every shareholder of the corporation or member of the limited liability company within the degrees of kinship or affinity specified in this section.
  - b. An estate of a decedent who was related to every shareholder of the corporation or member of the limited liability company within the degrees of kinship or affinity specified in this section.
4. A trust or an estate may not be a shareholder or member if the beneficiaries of the trust or the estate together with the other shareholders or members are more than fifteen in number.
5. Each individual who is a shareholder or member must be a citizen of the United States or a permanent resident alien of the United States.
6.
  - a. If a farming or ranching corporation, the officers and directors of the corporation must be shareholders who are actively engaged in operating the farm or ranch ~~and at least one of the corporation's shareholders must be an individual residing on or operating the farm or ranch.~~
  - b. If a farming or ranching limited liability company, the governors ~~and~~ managers, and members authorized under a statement of authority of the limited liability company must be members who are actively engaged in operating the farm or ranch ~~and at least one of its members must be an individual residing on or operating the farm or ranch.~~
7. An annual average of at least sixty-five percent of the gross income of the farming or ranching corporation or farming or ranching limited liability company over the previous five years, or for each year of its existence, if less than five years, must have been derived from engaging in the business of farming or ranching operations.
8. The income of the farming or ranching corporation or farming or ranching limited liability company from nonfarm rent, nonfarm royalties, dividends, interest, and annuities cannot exceed twenty percent of the gross income of the corporation or limited liability company.
9. The farming or ranching corporation or farming or ranching limited liability company must own or lease farmland or ranchland ~~in this state.~~

Page 4, line 25, after "company" insert "allowed to engage in the business of farming or ranching"

Page 4, line 27, replace "real estate" with "farmland or ranchland"

Page 4, line 28, after the first "the" insert "authorized livestock farm"

Page 4, line 29, after the first "the" insert "authorized livestock farm"

Page 5, line 1, after "1." insert "a."

Page 5, line 1, replace the first "a" with "an authorized livestock farm"

Page 5, line 1, after the underscored period insert:

"b."

Page 5, line 1, replace the second "a" with "an authorized livestock farm"

Page 5, line 3, after "2." insert "a."

Page 5, line 3, replace "a" with "an authorized livestock farm"

Page 5, line 5, replace "operating a farm or ranch" with "the business of farming or ranching"

Page 5, line 5, after the underscored comma insert "farming or ranching"

Page 5, line 5, remove "that meet the"

Page 5, line 6, remove "requirements of chapter 10-06.1-12"

Page 5, line 6, after "or" insert "farming or ranching"

Page 5, line 6, remove "that meet the"

Page 5, line 7, remove "requirements of chapter 10-06.1-12"

Page 5, line 7, after the underscored period insert:

"b."

Page 5, line 7, replace "a" with "an authorized livestock farm"

Page 5, line 10, replace "operating a farm or ranch" with "the business of farming or ranching"

Page 5, line 10, after the underscored comma insert "farming or ranching"

Page 5, line 10, remove "that meet the requirements of"

Page 5, line 11, remove "chapter 10-06.1-12"

Page 5, line 11, after "or" insert "farming or ranching"

Page 5, line 11, remove "that meet the requirements of"

Page 5, line 12, remove "chapter 10-06.1-12"

Page 5, line 13, after "3." insert "a."

Page 5, line 13, replace "a" with "an authorized livestock farm"

Page 5, line 13, replace ", all" with:

"(1) All"

Page 5, line 14, remove "or"

Page 5, line 14, replace "and all" with "or an authorized individual under section 47-10.1-02.  
(2) All"

Page 5, line 15, replace "person" with "individual or entity"

Page 5, line 16, replace "corporation" with "person"

Page 5, line 17, replace "or" with an underscored comma

Page 5, line 17, after "aliens" insert "of the United States, or an authorized individual under section 47-10.1-02"

Page 5, line 17, after the underscored period insert:

"b."

Page 5, line 17, replace "a" with "an authorized livestock farm"

Page 5, line 18, replace ", all" with ":

(1) All"

Page 5, line 19, replace "or" with an underscored comma

Page 5, line 19, replace "and all" with "or an authorized individual under section 47-10.1-02:  
and

(2) All"

Page 5, line 20, remove "person limited"

Page 5, line 21, replace "liability company" with "individual or entity of the person"

Page 5, line 22, replace "or" with an underscored comma

Page 5, line 23, after "aliens" insert "of the United States, or an authorized individual under section 47-10.1-02"

Page 5, line 25, remove "at any time, directly or indirectly."

Page 5, line 26, replace "land" with "farmland or ranchland"

Page 5, line 27, after "5." insert "a."

Page 5, line 27, replace "a" with "an authorized livestock farm"

Page 5, line 27, replace "are shareholders in" with "may hold direct or indirect interests in"

Page 5, line 28, remove the underscored comma

Page 5, line 28, remove "members"

Page 5, line 29, remove the first underscored comma

Page 5, line 29, remove "directly or indirectly"

Page 5, line 30, replace "land" with "farmland or ranchland"

Page 5, after line 30, insert:

"b."

Page 5, line 31, replace "a" with "an authorized livestock farm"



Page 5, line 31, replace "are members" with "may hold direct or indirect interests"

Page 6, line 1, remove "shareholders"

Page 6, line 1, after "in" insert "other"

Page 6, line 2, remove "directly or indirectly"

Page 6, line 4, replace "land" with "farmland or ranchland."

c. This section does not restrict the number of acres [hectares] of farmland or ranchland directly owned or leased by shareholders or members who are individuals, farming or ranching corporations, farming or ranching limited liability companies, or partnerships that meet the requirements of subsection 2 of section 10-06.1-02"

Page 6, line 5, after "6." insert "a."

Page 6, line 5, replace "a" with "an authorized livestock farm"

Page 6, line 6, after "are" insert "individuals and who are"

Page 6, line 6, remove "authorized livestock farm"

Page 6, line 6, after the underscored period insert:

"b."

Page 6, line 6, replace "a" with "an authorized livestock farm"

Page 6, line 7, replace "officers" with "members authorized under a statement of authority."

Page 6, line 7, after "are" insert "individuals and who are"

Page 6, line 8, remove "authorized farm"

Page 6, line 9, after the second "the" insert "authorized livestock farm"

Page 6, line 10, after the first "or" insert "authorized livestock farm"

Page 6, line 11, after "from" insert "livestock backgrounding, livestock finishing, or"

Page 6, line 11, remove "cattle."

Page 6, line 13, after "the" insert "authorized livestock farm"

Page 6, line 13, after "or" insert "authorized livestock farm"

Page 6, line 15, after "the" insert "authorized livestock farm"

Page 6, line 15, after "or" insert "authorized livestock farm"

Page 6, line 16, after "The" insert "authorized livestock farm"

Page 6, line 16, after the first "or" insert "authorized livestock farm"

Page 6, line 16, remove "directly or indirectly"

Page 6, line 17, remove "cultivation of land for the"

Page 6, line 17, after "livestock" insert "on farmland or ranchland"

Page 6, line 18, replace "The" with "If the authorized livestock farm"

Page 6, line 18, after "or" insert "authorized livestock farm"

Page 6, line 18, replace "must begin" with "is intended to primarily comprise an animal feeding operation or concentrated animal feeding operation on farmland or ranchland, the corporation or limited liability company must:

a. Begin"

Page 6, line 20, remove the underscored period

Page 6, line 21, replace "11.      The corporation or limited liability company must have" with "; and

b. Have"

Page 6, line 22, replace "three" with "six"

Page 6, line 23, replace "agricultural landholding" with "farmland or ranchland"

Page 6, line 24, replace "12." with "11."

Page 6, line 25, replace "subsection 10 or 11" with "this section"

Page 7, line 10, overstrike ", except those sections which pertain to foreign limited liability companies,"

Page 7, after line 15, insert:

**"SECTION 16. AMENDMENT.** Section 10-06.1-15 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-15. Initial report - ShareholderFarming or ranching corporation shareholder and farming or ranching limited liability member requirements.**

1. Every farming or ranching corporation or farming or ranching limited liability company shall file an initial report with its articles of incorporation, articles of organization, or certificate of authority. The report must be signed by the incorporators or organizers or, in the case of a certificate of authority, an authorized person, and must contain the following:
  - a. The name of the farming or ranching corporation or farming or ranching limited liability company.
  - b. With respect to each shareholder or member:
    - (1) The name and address of each, including the names and addresses and relationships of trusts and estates that own shares or membership interests;
    - (2) The number of shares or membership interests or percentage of shares or membership interests owned by each;
    - (3) The relationship of each;
    - (4) A statement of whether each is a citizen or permanent resident alien of the United States; and
    - (5) A statement of whether each will be actively engaged in operating the farm or ranch ~~and whether each will reside on the farm or ranch.~~
  - c. With respect to management:
    - (1) If a farming or ranching corporation, ~~then~~ the names and addresses of the officers and members of the board of directors; or

- (2) If a farming or ranching limited liability company, ~~then~~ the names and addresses of the managers, members authorized under a statement of authority, and members of the board of governors.
- d. If the purchase or lease of farmland or ranchland is final at the time of the initial report, a statement listing the acreage [hectarage] and location listed by section, township, range, and county of all ~~land in the state~~ farmland or ranchland owned or leased by the farming or ranching corporation or farming or ranching limited liability company ~~and used for farming or ranching~~. If the purchase or lease of farmland or ranchland is not yet final at the time of the initial report, a statement that there is a bona fide and imminent intent and a plan to purchase or lease farmland or ranchland ~~in the state~~.
- e. A statement that at least sixty-five percent of the gross income of the farming or ranching corporation or farming or ranching limited liability company will be derived from engaging in the business of farming or ranching ~~operations~~, and that twenty percent or less of the gross income of the corporation or limited liability company will be from nonfarm rent, nonfarm royalties, dividends, interest, and annuities.
2. A farming or ranching corporation or a farming or ranching limited liability company may not commence farming or ranching in this state until the secretary of state has received and filed the articles of incorporation ~~or~~ articles of organization, or certificate of authority, and the initial report required ~~by~~ under this section.
3. The farming or ranching corporation or farming or ranching limited liability company shall furnish to the official county newspaper of each county or counties in which ~~any land~~ farmland or ranchland is owned or leased by the corporation or limited liability company a legal notice reporting the following:
  - a. The name of the farming or ranching corporation or farming or ranching limited liability company and its shareholders or members as listed in the initial report.
  - b. A statement ~~to the effect that the~~ farming or ranching corporation or farming or ranching limited liability company has reported that it owns or leases ~~land used for farming or ranching~~ farmland or ranchland in the county and that a description of that land is available for inspection at the ~~secretary of state's office~~ office of the secretary of state."

Page 7, line 19, replace "supersede this chapter" with "take precedence"

Page 7, line 19, after "conflict" insert "with this chapter"

Page 7, line 22, replace "corporations" with "corporation shareholder"

Page 7, line 23, replace "companies" with "company member requirements"

Page 7, line 25, replace "or" with an underscored comma

Page 7, line 26, after "organization" insert ", or certificate of authority"

Page 7, line 26, after the underscored comma insert "or in the case of a certificate of authority, an authorized person,"

Page 7, line 28, after "the" insert "authorized livestock farm"

Page 7, line 28, after "or" insert "authorized livestock farm"

Page 7, line 30, remove ", including the names and addresses and"

Page 7, line 31, remove "relationships of trusts and estates that own shares or membership interests"

Page 8, line 1, replace "an organization" with "a person other than an individual"

Page 8, line 1, after "of" insert "incorporation, organization, or"

Page 8, line 2, after "interests" insert "or percentage of shares or membership interests of each"

Page 8, line 3, after "of" insert "total"

Page 8, line 5, after "of" insert "total"

Page 8, line 6, replace "A" with "As to individuals, a"

Page 8, line 7, remove "and"

Page 8, remove line 9

Page 8, line 10, replace "ranch" with "the business of farming or ranching; and"

(8) As to a person other than an individual, a statement of whether the person, and any controlling person of the person, is incorporated in the United States and one hundred percent of the stock or interests is owned by citizens of the United States, permanent aliens of the United States, or individuals or persons in compliance with section 47-10.1-02"

Page 8, line 12, replace "a" with "an authorized livestock farm"

Page 8, line 13, replace the underscored period with ", and a statement whether each will be actively engaged in the operation of the corporation; or"

Page 8, line 14, replace "a" with "an authorized livestock farm"

Page 8, line 15, replace "officers" with "members authorized under a statement of authority, and a statement whether each will be actively engaged in the operation of the limited liability company"

Page 8, line 16, after "the" insert "authorized livestock farm"

Page 8, line 16, after "or" insert "authorized livestock farm"

Page 8, line 16, remove "and will not"

Page 8, line 17, remove "directly or indirectly"

Page 8, line 18, after the underscored closing bracket insert "of farmland and ranchland"

Page 8, line 19, replace "land" with "farmland or ranchland"

Page 8, line 20, replace "and the number of hectares" with "[hectarage]"

Page 8, line 21, replace "land in the state" with "farmland or ranchland"

Page 8, line 21, after the second "the" insert "authorized livestock farm"

Page 8, line 21, after "or" insert "authorized livestock farm"

Page 8, line 23, replace "land" with "farmland or ranchland"

Page 8, line 24, remove "land"

Page 8, line 25, replace "in the state" with "farmland or ranchland"

Page 8, line 26, remove "investors are"

Page 8, line 26, after "members" insert "hold a direct or indirect interest"

Page 8, line 26, remove "any"

Page 8, line 27, replace "corporation" with "corporations"

Page 8, line 28, replace "company" with "companies"

Page 8, line 28, replace "directly or indirectly" with "in combination"

Page 8, line 30, after the underscored closing bracket insert "of farmland or ranchland. An interest disclosed under this subdivision does not include the number of acres of farmland or ranchland directly owned or leased by shareholders or members that are individuals, farming or ranching corporations, farming or ranching limited liability companies, or partnerships that meet the requirements of subsection 2 of section 10-06.1-02"

Page 9, line 1, after the second "the" insert "authorized livestock farm"

Page 9, line 2, after the first "or" insert "authorized livestock farm"

Page 9, line 2, replace "farming or ranching" with "authorized livestock farm"

Page 9, line 6, after the first "the" insert "authorized livestock farm"

Page 9, line 6, after "or" insert "authorized livestock farm"

Page 9, line 7, remove "cultivation of land for the"

Page 9, line 7, after "crops" insert "or the grazing of livestock on farmland or ranchland"

Page 9, line 8, after the first "the" insert "authorized livestock farm corporation facility or authorized livestock farm limited liability company"

Page 9, line 8, after "of" insert "the commencement of facility"

Page 9, remove lines 9 through 11

Page 9, line 12, replace "A" with "An authorized livestock farm"

Page 9, line 12, replace "a" with "authorized livestock farm"

Page 9, line 14, replace "or" with an underscored comma

Page 9, line 14, after "organization" insert ", or certificate of authority"

Page 9, line 14, after the underscored period insert:

"3."

Page 9, line 14, after "The" insert "authorized livestock farm"

Page 9, line 15, after "or" insert "authorized livestock farm"

Page 9, line 16, remove "or counties"

Page 9, line 16, replace the first "any" with "an"

Page 9, line 16, replace "any land" with "farmland and ranchland"

Page 9, line 18, after "the" insert "authorized livestock farm"

Page 9, line 18, after the first "or" insert "authorized livestock farm"

Page 9, line 20, remove "to the effect"

Page 9, line 20, after the second "the" insert "authorized livestock farm"

Page 9, line 20, after "or" insert "authorized livestock farm"

Page 9, line 21, replace the first "land" with "farmland or ranchland"

Page 9, line 22, remove "secretary of state's"

Page 9, line 23, after "office" insert "of the secretary of state"

Page 9, line 24, remove "to the effect"

Page 9, line 24, after the third "the" insert "authorized livestock farm"

Page 9, line 25, after "the" insert "authorized livestock farm"

Page 9, line 25, remove "directly or indirectly in"

Page 9, line 26, replace "combination with interests in any other person own" with "hold a direct or indirect interest in authorized livestock farm corporations or authorized livestock farm limited liability companies that in aggregate, own, lease, or otherwise hold an interest in"

Page 9, line 27, replace "agricultural land" with "farmland or ranchland. An interest disclosed under this subdivision does not include the number of acres of farmland or ranchland directly owned or leased by shareholders or members that are individuals, farming or ranching corporations, farming or ranching limited liability companies, or partnerships that meet the requirements of subsection 2 of section 10-06.1-02"

Page 9, after line 27, insert:

**"SECTION 19. AMENDMENT.** Section 10-06.1-16 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-16. Share and membership interest transfer records.**

1.
  - a. Every corporation owning or leasing ~~land used for farming or ranching~~farmland or ranchland or engaged in ~~the business of~~ farming or ranching ~~after June 30, 1981,~~ shall keep a record of transfers of shares or transfers of interests in the corporation.
  - b. Every limited liability company owning or leasing ~~land used for farming or ranching~~farmland or ranchland or engaged in ~~the business of~~ farming or ranching shall keep a record of transfers of membership interests in the limited liability company.
2.
  - a. If a corporation, the corporation's secretary shall cause to be recorded in the record all transfers of shares or transfers of interests among and between the corporation and its respective shareholders or holders of interest.
  - b. If a limited liability company, the limited liability company's secretary shall cause to be recorded in the record all transfers of membership interests among and between the limited liability company and its respective members.
3. The record must contain at least the following: the names of the transferor and transferee, their relationship, the date of the transfer and, if a corporation, the number of shares or the percentage of interests transferred or, if a limited liability company, the number or percentage of membership interests transferred."

Page 10, line 1, after the first boldfaced dash insert "**Farming or ranching corporations and farming or ranching limited liability companies -**"

Page 10, after line 1 insert:

"1."

Page 10, line 2, after "a" insert "farming or ranching"

Page 10, line 2, overstrike "engaged in farming or"

Page 10, line 3, overstrike "ranching after June 30, 1981, and" and insert immediately thereafter "or"

Page 10, line 3, after "a" insert "farming or ranching"

Page 10, line 3, after "in" insert "the business of"

Page 10, after line 6, insert:

"2."

Page 10, line 7, after "a" insert "farming or ranching"

Page 10, line 8, after "a" insert "farming or ranching"

Page 10, line 10, overstrike "it" and insert immediately thereafter "the annual report"

Page 10, line 11, after the period insert:

"3."

Page 10, line 11, after "report" insert "of the farming or ranching corporation or the farming or ranching limited liability company"

Page 10, line 13, overstrike "1." and insert immediately thereafter "a."

Page 10, line 13, after "the" insert "farming or ranching"

Page 10, line 13, after "or" insert "farming or ranching"

Page 10, line 14, overstrike "2." and insert immediately thereafter "b."

Page 10, line 14, after the second "the" insert "farming or ranching"

Page 10, line 14, after "or" insert "farming or ranching"

Page 10, line 17, overstrike "3." and insert immediately thereafter "c."

Page 10, line 17, after "each" insert "farming or ranching"

Page 10, line 18, overstrike "a." and insert immediately thereafter "(1)"

Page 10, line 21, overstrike "b." and insert immediately thereafter "(2)"

Page 10, line 23, overstrike "4." and insert immediately thereafter "d."

Page 10, line 23, after "each" insert "farming or ranching"

Page 10, line 24, replace "a." with "(1)"

Page 10, line 24, replace "number of units" with "membership interests"

Page 10, line 26, replace "b." with "(2)"

Page 10, line 26, replace "number of issued units" with "membership interests"

Page 10, line 28, replace "5." with "e."

Page 10, line 29, overstrike "a." and insert immediately thereafter "(1)"

Page 11, line 1, overstrike "b." and insert immediately thereafter "(2)"

Page 11, line 3, overstrike "c." and insert immediately thereafter "(3)"

Page 11, line 3, after the semicolon insert "and"

Page 11, line 4, overstrike "d." and insert immediately thereafter "(4)"

Page 11, line 5, overstrike "; and"

Page 11, overstrike line 6

Page 11, line 7, overstrike "farm or ranch"

Page 11, line 8, replace "6." with "f."

Page 11, line 9, overstrike "a." and insert immediately thereafter "(1)"

Page 11, line 9, after "a" insert "farming or ranching"

Page 11, line 9, overstrike "then"

Page 11, line 12, overstrike "b." and insert immediately thereafter "(2)"

Page 11, line 12, after "a" insert "farming or ranching"

Page 11, line 12, overstrike "then"

Page 11, line 12, overstrike the second "and" and insert immediately thereafter an underscored comma

Page 11, line 13, after the comma insert "and member authorized under a statement of authority."

Page 11, line 15, replace "7." with "g."

Page 11, line 16, overstrike "land in the state" and insert immediately thereafter "farmland or ranchland"

Page 11, line 17, after "the" insert "farming or ranching"

Page 11, line 17, after the first "or" insert "farming or ranching"

Page 11, line 17, overstrike "and used for farming or ranching"

Page 11, line 21, replace "8." with "h."

Page 11, line 21, after the third "the" insert "farming or ranching"

Page 11, line 22, after the first "or" insert "farming or ranching"

Page 11, line 22, after "from" insert "engaging in the business of"

Page 11, line 23, overstrike "operations"

Page 11, line 25, replace "9." with "i."

Page 11, line 25, after the second "the" insert "farming or ranching"



Page 11, line 25, after "or" insert "farming or ranching"

Page 11, line 28, replace "10." with "4."

Page 11, line 28, after "A" insert "farming or ranching"

Page 11, line 28, after "in" insert "the business of"

Page 11, line 28, after "farming" insert "or ranching"

Page 11, line 30, overstrike "by" and insert immediately thereafter "under"

Page 12, line 1, replace "11." with "5."

Page 12, line 1, after "A" insert "farming or ranching"

Page 12, line 1, after "in" insert "the business of"

Page 12, line 1, after "farming" insert "or ranching"

Page 12, line 4, overstrike "by" and insert immediately thereafter "under"

Page 12, line 7, after the first underscored boldfaced dash insert "**Authorized livestock farm corporations and authorized livestock farm limited liability companies -**"

Page 12, line 12, replace "or" with an underscored comma

Page 12, line 12, after "organization" insert ", or certificate of authority"

Page 12, line 12, after the underscored period insert:

"2."

Page 12, line 13, after "in" insert "subsection 58 of"

Page 12, line 13, replace "a" with "an authorized livestock farm"

Page 12, line 13, replace "or" with "and subsection 49 of"

Page 12, line 14, replace the first "a" with "an authorized livestock farm"

Page 12, line 15, after the first "the" insert "authorized livestock farm"

Page 12, line 15, after "or" insert "authorized livestock farm"

Page 12, line 16, after the second "the" insert "authorized livestock farm"

Page 12, line 16, after the second "or" insert "authorized livestock farm"

Page 12, line 17, after the underscored period insert:

"3."

Page 12, line 17, after "report" insert "of the authorized livestock farm corporation or the authorized livestock farm limited liability company"

Page 12, line 19, replace "registered agent of the" with "authorized livestock farm"

Page 12, line 19, after "or" insert "authorized livestock farm"

Page 12, remove lines 20 and 21

Page 12, line 22, remove "this state"

Page 12, line 23, replace "corporation of limited liability company" with "registered agent of the authorized livestock farm corporation or authorized livestock farm limited liability company as provided in chapter 10-01.1 and, if a noncommercial registered agent, the address of the registered office of the authorized livestock farm corporation or authorized livestock farm limited liability company in this state"

Page 12, line 24, after "each" insert "authorized livestock farm"

Page 12, line 25, after the second "the" insert "authorized livestock farm"

Page 12, line 31, after "each" insert "authorized livestock farm"

Page 13, line 1, replace "number of units" with "membership interests"

Page 13, line 1, after the second "the" insert "authorized livestock farm"

Page 13, line 3, replace "units" with "membership interests"

Page 13, line 6, remove ", including the names and addresses and"

Page 13, line 7, remove "relationships of trusts and estates that own shares or membership interests"

Page 13, line 8, replace "an organization" with "a person other than an individual"

Page 13, line 8, after "of" insert "incorporation, organization, or"

Page 13, line 9, after "interests" insert "or percentage of shares or membership interests of each"

Page 13, line 10, after "of" insert "total"

Page 13, line 12, after "of" insert "total"

Page 13, line 13, replace "A" with "As to individuals, a"

Page 13, line 14, remove "and"

Page 13, remove line 16

Page 13, line 17, replace "ranch" with "the business of farming or ranching; and"

- (8) As to persons other than an individual, a statement of whether the person, and any controlling person of the person, is incorporated or organized in the United States and one hundred percent of the stock or interests is owned by citizens of the United States, permanent resident aliens of the United States, or individuals or persons in compliance with section 47-10.1-02"

Page 13, line 19, replace "a" with "an authorized livestock farm"

Page 13, line 20, replace the underscored period with ", and a statement whether each actively is engaged in the operation of the corporation; or"

Page 13, line 21, replace "a" with "an authorized livestock farm"

Page 13, line 22, after "governors" insert ", and a statement whether each actively is engaged in the operation of the limited liability company"

Page 13, line 23, after "the" insert "authorized livestock farm"

Page 13, line 23, after the first "or" insert "authorized livestock farm"

Page 13, line 23, remove "directly or"

Page 13, line 24, remove "indirectly"

Page 13, line 25, after the underscored closing bracket insert "of farmland or ranchland"

Page 13, line 26, replace "land" with "farmland or ranchland"

Page 13, line 26, remove ", the total"

Page 13, line 27, replace "number of hectares" with "[hectarage]"

Page 13, line 28, replace "land in the state" with "farmland or ranchland"

Page 13, line 28, after the second "the" insert "authorized livestock farm"

Page 13, line 28, after "or" insert "authorized livestock farm"

Page 13, line 30, remove "investors are"

Page 13, line 30, after "members" insert "hold a direct or indirect interest"

Page 13, line 30, remove "any"

Page 13, line 31, replace "corporation" with "corporations"

Page 14, line 1, replace "company" with "companies"

Page 14, line 1, replace "directly or indirectly" with "in combination"

Page 14, line 3, after the underscored closing bracket insert "of farmland or ranchland. The interest disclosed under this subdivision does not include the number of acres [hectares] of farmland or ranchland directly owned or leased by shareholders or members who are individuals, farming or ranching corporations, farming or ranching limited liability companies, or partnerships that meet the requirements of subsection 2 of section 10-06.1-02"

Page 14, line 4, remove "A statement that at least sixty-five percent of the gross income of the corporation"

Page 14, remove lines 5 through 8

Page 14, line 9, remove "k."

Page 14, line 9, after "the" insert "authorized livestock farm"

Page 14, line 9, after "or" insert "authorized livestock farm"

Page 14, line 10, remove "cultivation of land for the"

Page 14, line 10, after "livestock" insert "on farmland or ranchland"

Page 14, line 11, replace "l." with "k."

Page 14, line 11, after "of" insert "livestock"

Page 14, remove lines 12 through 18

Page 14, line 19, replace "o." with "l."

Page 14, line 19, after the third "the" insert "authorized livestock farm"

Page 14, line 20, after the first "or" insert "authorized livestock farm"

Page 14, line 20, remove "farming or"

Page 14, line 21, replace "ranching" with "authorized livestock farm"

Page 14, line 23, replace "p." with "m."

Page 14, line 23, after the second "the" insert "authorized livestock farm"

Page 14, line 23, after "or" insert "authorized livestock farm"

Page 14, line 26, replace "2. A" with:

"4. An authorized livestock farm"

Page 14, line 26, replace "farming which" with "authorized livestock farm operations that"

Page 14, line 28, replace "by" with "under"

Page 14, line 29, replace "3. A" with:

"5. An authorized livestock farm"

Page 14, line 29, replace "farming which" with "authorized livestock farm operations that"

Page 15, line 2, replace "by" with "under"

Page 15, after line 2, insert:

**"SECTION 22. AMENDMENT.** Section 10-06.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-18. Reports of corporations and limited liability companies not engaged in farming or ranching.**

Any business ~~or nonprofit corporation and any~~ limited liability company, or nonprofit organization not engaged in the business of farming or ranching which owns or leases a tract of ~~land used for farming or ranching~~ farmland or ranchland which is larger than twenty acres [8.09 hectares] in size shall file with the attorney general, within twelve months of any transaction involving the purchase, sale, or surface leasing of ~~such~~ the farmland or ranchland by that corporation or limited liability company, a report containing all of the following information:

1. The name of the corporation or limited liability company and its place of incorporation or organization and, if a nonprofit ~~corporation~~ organization, a copy of its section 501(c)(3) exemption letter from the internal revenue service.
2. The name of the registered agent of the corporation or limited liability company as provided in chapter 10-01.1 and, if a noncommercial registered agent, then the address of the noncommercial registered agent in this state.
3. The acreage [hectarage] and location listed by section, township, range, and county of all ~~such land in the state~~ the farmland or ranchland owned or leased by the corporation or limited liability company ~~and used for farming or ranching~~.
4. The date and method of acquisition or disposal of ~~such~~ the farmland or ranchland.

**SECTION 23. AMENDMENT.** Section 10-06.1-19 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-19. Exemption from certain disclosure and other requirements for certain organizations.**

Sections 10-06.1-12, 10-06.1-15, 18 of this Act, 10-06.1-17, 21 of this Act, and 10-06.1-18 do not apply to nonprofit organizations or to corporations or limited liability companies such as banks, trust companies, or foundations serving in a

fiduciary capacity as the personal representative or trustee of an estate or trust for an individual described in subsection 2 of section 10-06.1-12.

**SECTION 24. AMENDMENT.** Section 10-06.1-20 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-20. Failure to file report - Penalty.**

Every corporation or limited liability company ~~which~~that willfully fails to file any report required under this chapter or willfully files false information on any report required under this chapter is guilty of a class A misdemeanor."

Page 15, line 7, replace "5" with "13"

Page 15, line 8, overstrike "such" and insert immediately thereafter "the"

Page 15, line 14, after "from" insert "engaging in the business of"

Page 15, line 15, overstrike "operations"

Page 15, line 15, overstrike "such" and insert immediately thereafter "the"

Page 15, line 16, replace "11" with "21"

Page 15, after line 17, insert:

**"SECTION 27. AMENDMENT.** Section 10-06.1-23 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-23. Attorney general to conduct random compliance program.**

Each year the attorney general shall select at random at least five percent of the total number of corporations and limited liability companies authorized ~~by~~under this chapter for requests for information to determine compliance with this chapter. For ~~such~~this purpose, the attorney general may request affidavits, share transfer records, certified copies of marriage licenses, birth certificates, deeds, leases, and ~~such~~ other records and documents necessary to determine compliance. The corporation or limited liability company shall comply with any request for information made under this section.

**SECTION 28. AMENDMENT.** Section 10-06.1-24 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-24. Enforcement - Penalty.**

1.
  - a. The recorder shall mail or deliver a copy of every instrument filed or recorded, within thirty days after the instrument is recorded, to the attorney general if the instrument documents evidence of a lease agreement or purchase agreement pursuant to subsection 6 or 7 or if the instrument conveys the title to farmland or ranchland to a corporation or limited liability company.
  - b. The attorney general shall commence an action in the district court of the county in which the substantial portion of farmland or ranchland used in violation of this chapter is situated if the attorney general has reason to believe that any person is violating this chapter. The attorney general shall file for record with the recorder of each county in which any portion of the land is located a notice of the pendency of the action.
  - c. If the court finds that the ~~land in question~~farmland or ranchland is being held in violation of this chapter, or that a corporation or limited liability company is ~~conducting~~engaging in the business of farming or ranching in violation of this chapter, the court shall enter an order ~~se-~~declaring pursuant to the court's findings of fact and conclusions of

law. The attorney general shall file ~~any such~~ the order for record with the recorder of each county in which any portion of the land is located. Thereafter, the corporation or limited liability company shall, within the time set by the court not to exceed one year from the date of the court's final order, divest itself of ~~any farming or ranching land~~ the farmland or ranchland owned or leased by it in violation of this chapter, and cease ~~at~~ engaging in the business of farming or ranching operations.

- d. Except as otherwise provided in subsection 10, any corporation or limited liability company that fails to comply with the court's order is subject to a civil penalty not to exceed twenty-five thousand dollars and may be dissolved or terminated by the secretary of state.
2. The divestment period is deemed to be a covenant running with the title to the ~~land~~ farmland or ranchland against any corporate or limited liability company grantee, corporate or limited liability company successor, or corporation or limited liability company assignee of the corporation or limited liability company not authorized to ~~de~~ engage in the business of farming or ranching under this chapter.
3. Any ~~land~~ farmland or ranchland not divested within the divestment period prescribed must be sold at public sale in the manner prescribed by law for the foreclosure of real estate mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law, including enjoining the corporation or limited liability company from completing performance on the remainder of any leasehold which is in violation of this chapter.
4. Subject to the divestiture requirements of subsections 5, 6, and 7, a ~~domestic or foreign~~ corporation or limited liability company may acquire farmland or ranchland as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.
5. Unless retention of the farmland or ranchland is permitted under subsection 6 or 7, all farmland or ranchland acquired as security for indebtedness, in the collection of debts, or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this chapter.
6. The disposition requirement does not apply to a corporation or limited liability company that has acquired title to the ~~land~~ farmland or ranchland through the process of foreclosure of a mortgage, or a deed from a mortgagor instead of a foreclosure, if, by the expiration of one month after what is or what would have been the redemption period of the mortgage if the mortgage had been foreclosed, that corporation or limited liability company leases to the prior mortgagor from whom it was acquired, with an option to purchase, and if documents evidencing the lease agreement have been filed with the recorder of each county in which the land is located. A copy of a notice of lease is sufficient evidence. The exemption in this subsection applies for only five years and then only if the property has been appraised in accordance with subsection 8. The annual lease payments required of the tenant may not exceed seven percent of the appraised value.
7. The disposition requirement does not apply to a corporation or limited liability company that has acquired title to the ~~land~~ farmland or ranchland through the process of foreclosure of a mortgage, or a deed from the mortgagor instead of foreclosure, if, by the expiration of one month after what is or what would have been the redemption period of the mortgage if the mortgage had been foreclosed, that corporation or limited liability company contracts for the sale of the land to the prior mortgagor from whom it was acquired, and if documents evidencing the purchase

agreement have been filed with the recorder of each county in which the land is located. A copy of a notice of the contract for deed is sufficient evidence. An exemption under this subsection is valid only if an appraisal has been made in accordance with subsection 8, and if it is valid, the exemption is unlimited in duration. The sale price may not exceed the price determined by the appraisers.

8. If an appraisal is required, the appraisal must be made by three independent appraisers, one selected by the corporation or limited liability company, one selected by the prior mortgagor, and the third selected by the first two appraisers.
9. If a corporation or limited liability company holds ~~land~~farmland or ranchland pending divestiture, and the holding is not otherwise ~~governed by~~regulated under this section, the land must be leased to persons actually engaged in the business of farming or ranching and a disposal may not be to a corporation or limited liability company unless ownership by that corporation or limited liability company is authorized under this chapter.
10. The civil penalty for a violation of section 10-06.1-10 may not exceed one hundred thousand dollars.
11. Except as provided in subsection 10, any corporation or limited liability company continuing to violate this chapter is subject to a civil penalty not to exceed twenty-five thousand dollars and may be dissolved or terminated by the attorney general in accordance with the laws of this state.

**SECTION 29. AMENDMENT.** Section 10-06.1-25 of the North Dakota Century Code is amended and reenacted as follows:

**10-06.1-25. Private enforcement.**

This chapter may be enforced in the same manner as provided in section 10-06.1-24 by any corporation or limited liability company authorized to engage in the business of farming or ranching ~~by~~under this chapter or any resident of legal age of a county in which the ~~land~~farmland or ranchland owned or leased by a corporation or limited liability company in violation of this chapter is located. ~~If such action is successful, all costs of the action must be assessed against the defendant and a reasonable attorney's fee must be allowed the plaintiff. If judgment is rendered for the defendant, such costs and a reasonable attorney's fee for the defendant must be paid by the plaintiff.~~If an action is brought under this section, the district court must award to the prevailing party the actual costs and disbursements and reasonable attorney's fees."

Page 15, after line 20, insert:

"1."

Page 15, line 22, overstrike "doing" and insert immediately thereafter "engaged in the"

Page 15, line 22, after "business" insert "of farming and ranching"

Page 15, line 27, after the period insert:

"2."

Page 15, line 28, after the first "the" insert "farming and ranching"

Page 15, line 28, after "corporation" insert "or authorized livestock farm corporation"

Page 16, line 5, after the period insert:

"3."

Page 16, line 6, after the third "the" insert "farming or ranching"

Page 16, line 7, after "corporation" insert "or authorized livestock farm corporation"

Page 16, after line 18 insert:

"1."

Page 16, line 20, overstrike "doing" and insert immediately thereafter "engaged in the"

Page 16, line 20, after "business" insert "of farming and ranching"

Page 16, line 25, overstrike "by" and insert immediately thereafter "under"

Page 16, line 26, after the period insert:

"2."

Page 16, line 26, after the third "the" insert "farming or ranching"

Page 16, line 27, after "company" insert "or authorized livestock farm limited liability company"

Page 17, line 5, after the period insert:

"3."

Page 17, line 7, after "company" insert "or authorized livestock farm limited liability company itself"

Page, 17, after line 17, insert

**"SECTION 32. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1371 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1477, as engrossed:** Your conference committee (Sens. Estenson, Barta, Cleary and Reps. K. Anderson, Weisz, Davis) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1681 and place HB 1477 on the Seventh order.

Engrossed HB 1477 was placed on the Seventh order of business on the calendar.

#### **REQUEST**

**SEN. KLEIN REQUESTED** that the Senate be on the Twelfth Order, which request was granted.

#### **CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 1771-1777 and in the House amendments to Engrossed SB 2015 as printed on SJ pages 1851-1861 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed SB 2009:** Sens. Wanzek, Erbele, Dwyer.

**Engrossed SB 2015:** Sens. Bekkedahl, Hogue, Wanzek.

#### **REQUEST**

**SEN. KLEIN REQUESTED** that the Senate be on the Seventh Order, which request was granted.



**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BEKKEDAHL MOVED** that the conference committee report on Engrossed SB 2024 as printed on SJ pages 1755-1757 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2024, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the ethics commission; to provide for a legislative management study; to provide for a legislative management report; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Mathern; Meyer; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber

**NAYS:** Boehm; Clemens; Estenson; Kannianen; Larsen; Luick; Magrum; Myrdal; Weston; Wobbema

Reengrossed SB 2024, as amended, passed and the emergency clause was declared carried.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Jason Heitkamp.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BEKKEDAHL MOVED** that the conference committee report on Engrossed SB 2017 as printed on SJ pages 1862-1864 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to provide a contingent appropriation; to provide for a transfer; and to provide an exemption.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Reengrossed SB 2017, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BEKKEDAHL MOVED** that the conference committee report on Engrossed SB 2023 as printed on SJ pages 1864-1867 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; and to provide a contingent appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Braunberger; Cleary; Magrum

Reengrossed SB 2023, as amended, passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1040.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2009 and SB 2015, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2009:** Sens. Wanzek; Erbele; Dwyer

**SB 2015:** Sens. Bekkedahl; Hogue; Wanzek

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

**MADAM PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2004:** Reps. Monson; Pyle; Mock

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2017, SB 2023.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2024.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on: HB 1239, HB 1477.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1002, HB 1310.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2201, SB 2261, SB 2276, SB 2341, SB 2343.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1371.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report,

subsequently passed, and the emergency clause carried: SB 2029.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2126, SB 2139, SB 2161, SB 2187, SB 2227, SB 2344, SB 2391.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MADAM PRESIDENT:** Your signature is respectfully requested on: HB 1205, HB 1438, HB 1473.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2092, SB 2094, SB 2360.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2092, SB 2094, SB 2360.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1011, HB 1052, HB 1429, HB 1455.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3035.

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

The following bills were delivered to the Governor for approval on April 24, 2023: SB 2092, SB 2094, SB 2360.

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Miller presiding.

#### **CORRECTION AND REVISION OF THE JOURNAL**

**MADAM PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Sixty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1849, after line 19, insert:

#### **"CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 1843-1848, and that a conference committee be appointed to meet with a like committee from the House on this measure, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on: Engrossed SB 2020: Sens. Sorvaag, Schaible, Bekkedahl."

**SEN. BEARD MOVED** that the report be adopted, which motion prevailed.

#### **REQUEST**

**SEN. KLEIN REQUESTED** that the Senate be on the Twelfth Order, which request was granted.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2080 as printed on SJ pages 1541-1543 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

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

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on: **SB 2080:** Sens. Lee, Hogan, K. Roers.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to SB 2085 as printed on SJ page 1732, which motion prevailed on a voice vote.

SB 2085, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2085:** A BILL for an Act to amend and reenact sections 23-47-02 and 39-21-41.4 of the North Dakota Century Code, relating to system registries for a comprehensive emergency cardiovascular medical system and safety belt usage by emergency medical services personnel; and to provide for a legislative management study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Magrum

**ABSENT AND NOT VOTING:** Hogue

Engrossed SB 2085, as amended, passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LARSEN MOVED** that the Senate do concur in the House amendments to SB 2206 as printed on SJ page 1781, which motion prevailed on a voice vote.

SB 2206, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2206:** A BILL for an Act to amend and reenact sections 28-22-03.1, 47-18-01, 47-18-04, and 47-18-14 of the North Dakota Century Code, relating to insurance cash value exemptions and homestead exemption.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Hogue

Engrossed SB 2206, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Reengrossed SB 2345 as printed on SJ pages 1878-1879 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2345, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the task force on guardianship monitoring to promote the accountability of all guardians; to amend and reenact subsection 4 of section 43-41-09 of the North Dakota Century Code, relating to the licensure of social workers; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Hogue

Reengrossed SB 2345, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WOBBERMA MOVED** that the conference committee report on SB 2198 as printed on SJ page 1878 be adopted, which motion prevailed on a voice vote.

SB 2198, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2198:** A BILL for an Act to amend and reenact sections 54-52.4-02, 54-52.4-04, and 54-52.4-05 of the North Dakota Century Code, relating to state employee family medical leave.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Hogue

Engrossed SB 2198, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Engrossed SB 2164 as printed on SJ pages 1873-1874 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2164, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code, relating to retirement board membership; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Boehm; Davison; Estenson; Kannianen; Kessel; Klein; Larsen; Magrum; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Schaible; Vedaa; Wobbema

**NAYS:** Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Hogan; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Piepkorn; Rust; Sickler; Sorvaag; Wanzek; Weber; Weston

**ABSENT AND NOT VOTING:** Hogue

Reengrossed SB 2164, as amended, failed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Reengrossed SB 2129 as printed on SJ page 1873 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2129, as amended, was placed on the Eleventh order of business.

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

**SB 2129:** A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code, relating to the alternatives-to-abortion program; and to provide for an appropriation to the department of health and human services to establish and maintain the alternatives-to-abortion program.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Braunberger; Hogan; Lee; Piepkorn

**ABSENT AND NOT VOTING:** Hogue

Reengrossed SB 2129, as amended, passed.

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#### **REQUEST**

**SEN. KLEIN REQUESTED** that the Senate be on the Eighth Order, which request was granted.

#### **MOTION**

**SEN. KLEIN MOVED** that SB 2168 be moved to the bottom of the calendar, which motion prevailed.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WOBBERA MOVED** that the conference committee report on Engrossed SB 2170 as printed on SJ page 1878 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2170 was placed on the Eleventh order of business.

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

**SB 2170:** A BILL for an Act to create and enact a new section to chapter 34-07 of the North Dakota Century Code, relating to minors working in hazardous occupations; and to provide for a legislative management study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Braunberger

**ABSENT AND NOT VOTING:** Hogue

Engrossed SB 2170, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Engrossed SB 2181 as printed on SJ page 1878 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2181, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2181:** A BILL for an Act to amend and reenact sections 50-09-29, 50-24.1-02.6, and 50-24.1-41 of the North Dakota Century Code, relating to public assistance for pregnant women.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Hogue

Reengrossed SB 2181, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LUICK MOVED** that the conference committee report on Engrossed HB 1239 as printed on SJ page 1879 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1239 was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1239:** A BILL for an Act to create and enact a new section to chapter 61-32 of the North Dakota Century Code, relating to smaller subsurface water management systems; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Luick; Magrum; Meyer; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible;

Sickler; Sorvaag; Vedaa; Wanzek; Weber; Wobbema

**NAYS:** Lemm; Mathern; Myrdal; Weston

**ABSENT AND NOT VOTING:** Hogue

Engrossed HB 1239 passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Engrossed HB 1477 as printed on SJ page 1904 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1477 was placed on the Fourteenth order of business.

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

**HB 1477:** A BILL for an Act to amend and reenact sections 11-28.3-01 and 11-28.3-09, subsections 1 and 2 of section 11-28.3-15, and subsection 2 of section 11-28.3-16 of the North Dakota Century Code, relating to rural ambulance service districts; to provide an appropriation; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Hogue

Engrossed HB 1477 passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LUICK MOVED** that the conference committee report on Reengrossed HB 1371 as printed on SJ pages 1879-1904 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1371, as amended, was placed on the Fourteenth order of business.

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

**HB 1371:** A BILL for an Act to create and enact four new sections to chapter 10-06.1 of the North Dakota Century Code, relating to authorized livestock farm corporation and authorized livestock farm limited liability company requirements, and initial and annual reporting requirements for authorized livestock farm corporations, and authorized livestock farm limited liability companies; to amend and reenact sections 10-06.1-01, 10-06.1-02, 10-06.1-03, 10-06.1-04, 10-06.1-05, 10-06.1-06, 10-06.1-07, and 10-06.1-08, subsection 1 of section 10-06.1-09, and sections 10-06.1-10, 10-06.1-11, 10-06.1-12, 10-06.1-13, 10-06.1-14, 10-06.1-15, 10-06.1-16, 10-06.1-17, 10-06.1-18, 10-06.1-19, 10-06.1-20, 10-06.1-21, 10-06.1-22, 10-06.1-23, 10-06.1-24, 10-06.1-25, 10-06.1-26, and 10-06.1-27 of the North Dakota Century Code, relating to agricultural definitions, ownership exceptions for beekeeping, agriculture support services, livestock backgrounding and feedlot operations, raising or producing of livestock by persons that have limited landholdings, and required reporting for corporate farming; to provide a penalty; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.



**YEAS:** Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Boehm; Hogan; Magrum; Mathern; Rust

**ABSENT AND NOT VOTING:** Hogue

Reengrossed HB 1371, as amended, passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BEKKEDAHL MOVED** that the conference committee report on Reengrossed HB 1002 as printed on SJ page 1879 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. CLEMENS MOVED** that the conference committee report on Reengrossed HB 1310 as printed on SJ page 1879 be adopted, which motion prevailed on a voice vote.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2085 and SB 2206.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2080, and the President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2080:** Sens. Lee; Hogan; K. Roers

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. M. Ruby to replace Rep. Prichard on the Conference Committee on SB 2080.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Dockter to replace Rep. Dobervich on the Conference Committee on SB 2080.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1002, HB 1310.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2129, SB 2170, SB 2181, SB 2198, SB 2345.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1477.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1239, HB 1371.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1391, HB 1487, HB 1501.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and

subsequently passed: SB 2017, SB 2023.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2029, SB 2201, SB 2261, SB 2276, SB 2341, SB 2343.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2126, SB 2139, SB 2161, SB 2187, SB 2227, SB 2344, SB 2391.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1205, HB 1438, HB 1473.

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

**MADAM PRESIDENT:** The Speaker has signed: HB 1011, HB 1052, HB 1429, HB 1455, HCR 3035.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 21, 2023, I have signed the following: SB 2008, SB 2022, SB 2048, SB 2061, SB 2096, SB 2142, SB 2200, SB 2254, SB 2273, and SB 2380.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 24, 2023, I have signed the following: SB 2026, SB 2063, SB 2094, SB 2150, and SB 2247.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Secretary of State for filing on April 24, 2023: SB 2231.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 25, 2023, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2089, as reengrossed:** Your conference committee (Sens. Patten, Kannianen, Piepkorn and Reps. Bosch, D. Anderson, Meier) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1328, adopt amendments as follows, and place SB 2089 on the Seventh order:

That the House recede from its amendments as printed on page 1328 of the Senate Journal and pages 1496 and 1497 of the House Journal and that Reengrossed Senate Bill No. 2089 be amended as follows:

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, remove "and 54-17.6-06.2"

Page 1, line 2, remove "to provide"

Page 1, line 3, replace "for a transfer; and to provide a continuing appropriation" with "and to designate funding from the oil and gas research fund"

Page 1, line 22, replace "chapter" with "section"

Page 2, line 4, replace "chapter" with "section"

Page 2, line 6, remove "natural gas capture and"

Page 2, line 7, replace "utilization incentive" with "oil and gas research"

Page 2, line 9, replace "chapter" with "section"

Page 2, replace lines 12 through 24 with:

**"SECTION 2. OIL AND GAS RESEARCH FUND - CLEAN NATURAL GAS CAPTURE AND EMISSIONS REDUCTION PROGRAM - ONE TIME FUNDING.**

Pursuant to the continuing appropriation under section 57-51.1-07.3, the industrial commission shall use up to \$3,000,000 from the oil and gas research fund for the clean natural gas capture and emissions reduction program under section 54-17.6-06.1 for the biennium beginning July 1, 2023, and ending June 30, 2025. The designation under this section is considered a one-time funding item."

Renumber accordingly

Reengrossed SB 2089 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2169, as engrossed:** Your conference committee (Sens. Rummel, Paulson, Conley and Reps. Christensen, Koppelman, Dakane) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1580-1583, adopt amendments as follows, and place SB 2169 on the Seventh order:

That the House recede from its amendments as printed on pages 1580-1583 of the Senate Journal and pages 1745-1747 of the House Journal and that Engrossed Senate Bill No. 2169 be 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 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting load; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances - Penalty.**

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously

convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.

3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

**SECTION 2. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.**

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.
2. The minimum sentence for an individual convicted of violating this section must include:
  - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
  - b. For a second or subsequent offense within fifteen years, at least thirty days' imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

**SECTION 3.** A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

**Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.**

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

**SECTION 4. AMENDMENT.** Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

**39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.**

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.
2. If a road closure under subsection 1 has been announced to the public and the road has been closed with an appropriate traffic control device in use at two points of entry, an individual may not drive on the road between the two closed points of entry.
3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.
4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.
5. The driver of a motor vehicle who operates the vehicle on a closed road in violation of this section who becomes stranded and requires assistance from law enforcement or whose vehicle obstructs the road may be assessed a fee of:
  - a. Five hundred dollars for a driver of a noncommercial motor vehicle;  
or
  - b. One thousand dollars for a driver of a commercial motor vehicle.

**SECTION 5. AMENDMENT.** Section 39-21-13 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-13. Lamp or flag on projecting load.**

Whenever the load upon any vehicle extends to the rear four feet [121.92 centimeters] or more beyond the bed or body of the vehicle there must be displayed at the extreme rear end of the load, at the times specified in section 39-21-01, a red light or lantern plainly visible from a distance of at least six hundred feet [182.88 meters] to the sides and rear. The red light or lantern required under this section must be in addition to the red rear light required upon every vehicle. At any other time there must be displayed at the extreme rear end of a load a red or bright orange flag or cloth not less than twelve inches [30.48 centimeters] square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES.**

During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects

of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

**SECTION 8. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits, and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

Engrossed SB 2169 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2219, as engrossed:** Your conference committee (Sens. Conley, Paulson, Clemens and Reps. Koppelman, Grueneich, Dobervich) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1583, adopt amendments as follows, and place SB 2219 on the Seventh order:

That the House recede from its amendments as printed on page 1583 of the Senate Journal and pages 1747 and 1748 of the House Journal and that Engrossed Senate Bill No. 2219 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to civil judgment for nonpayment of statutory fees; to"

Page 4, after line 24, insert:

**"SECTION 7.** A new section to chapter 39-06.1 of the North Dakota Century Code is created and enacted as follows:

#### **Failure to pay statutory fees - Civil judgment.**

1. In addition to the penalty provided under section 39-06.1-04 for failure to pay a statutory fee, the court shall enter a civil judgment against the individual for the nonpayment.
2. The judgment must be docketed by the clerk of court in the judgment docket maintained pursuant to section 28-20-13 in the same manner in which a civil judgment for money is docketed.
3. The civil judgment may not exceed the amount of the statutory fee owed, plus interest, administrative fees, and any applicable penalty amounts, giving credit for any amount paid."

Renumber accordingly

Engrossed SB 2219 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2330:** Your conference committee (Sens. Klein, Larsen, Barta and Reps. Bosch, Headland, Dockter) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1667-1668, adopt amendments as follows, and place SB 2330 on the Seventh order:

That the House recede from its amendments as printed on pages 1667 and 1668 of the Senate Journal and pages 1853 and 1854 of the House Journal and that Senate Bill No. 2330 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 6-09-49 and"

Page 1, line 2, after "to" insert "the infrastructure revolving loan fund,"

Page 1, line 2, after "board" insert a comma

Page 1, line 3, remove "repeal section 6-09-49.1 of the North Dakota Century Code, relating to"

Page 1, line 4, replace "the legacy infrastructure loan fund" with "declare an emergency"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 6-09-49 of the North Dakota Century Code is amended and reenacted as follows:

3. In processing political subdivision loan applications under this section, the Bank shall calculate the maximum outstanding loan amount per qualified applicant. A qualified applicant under this section may have a maximum combined total of ~~forty~~twenty million dollars in outstanding loans under this section and section 6-09-49.1. The Bank shall consider the applicant's ability to repay the loan when processing the application and shall issue loans only to applicants that provide reasonable assurance of sufficient future income to repay the loan."

Page 1, line 19, remove "six"

Page 1, line 19, overstrike "percent" and insert immediately thereafter "seven hundred million dollars"

Page 1, line 20, after "~~which~~" insert "including"

Page 1, line 20, remove the overstrike over the overstruck colon

Page 1, line 21, remove the overstrike over "~~(1) Up to~~"

Page 1, line 21, after "~~targeted~~" insert "one hundred fifty million dollars"

Page 1, line 21, remove the overstrike over "~~for infrastructure loans to political~~"

Page 1, remove the overstrike over lines 22 through 24

Page 2, line 1, remove the overstrike over "~~(2)~~"

Page 2, line 1, overstrike "with a" and insert immediately thereafter "A"

Page 2, line 2, overstrike "designated to" and insert immediately thereafter "for"

Page 2, line 5, remove the overstrike over the overstruck semicolon

Page 2, line 6, remove the overstrike over "~~(3)~~"

Page 2, line 6, remove "with any"

Page 2, line 6, overstrike "remaining amounts"

Page 2, line 6, overstrike "designated for other" and insert immediately thereafter "Other"

Page 2, line 7, after "state" insert "based on guidelines developed by the legacy and budget stabilization fund advisory board"

Page 2, line 8, remove "three"

Page 2, line 8, overstrike "percent" and insert immediately thereafter "six hundred million dollars"

Page 2, line 8, overstrike "of which" and insert immediately thereafter "including"

Page 2, line 9, remove "Three"

Page 2, line 9, overstrike "percent may be targeted for investment" and insert immediately thereafter "Investments"

Page 2, line 20, remove "Any remaining amounts may be targeted"

Page 2, line 20, overstrike "for other" and insert immediately thereafter "Other"

Page 3, replace line 23 with:

**"SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

SB 2330 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2334:** Your conference committee (Sens. Weber, Patten, Piepkorn and Reps. Hagert, Dockter, Motschenbacher) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 968-969, adopt amendments as follows, and place SB 2334 on the Seventh order:

That the House recede from its amendments as printed on pages 968 and 969 of the Senate Journal and pages 1150 and 1151 of the House Journal and that Senate Bill No. 2334 be amended as follows:

Page 1, line 2, replace "local revenue loss reimbursement" with "large facility development"

Page 1, line 4, after "plant" insert and "and allocation of sales tax revenue"

Page 1, line 5, replace "and to provide an effective date" with "to provide for a legislative management report; and to provide an expiration date"

Page 1, line 18, after "57-39.2-26.2" insert ", 57-39.2-26.3"

Page 2, line 1, replace "Local revenue loss reimbursement" with "Large facility development"

Page 2, line 1, after "appropriation" insert "- Report"

Page 2, line 2, replace "local revenue loss reimbursement" with "large facility development"

Page 2, line 7, replace "57-29.2-26.1 and" with "57-39.2-26.1."

Page 2, line 7, after "57-39.2-26.2" insert ", and 57-39.2-26.3"

Page 2, line 9, replace "local revenue loss reimbursement" with "large facility development"

Page 2, line 13, replace "The" with "Within thirty days after construction begins on the large facility, the"

Page 2, line 14, replace the first "the" with "up to two billion dollars of"

Page 2, line 14, replace "value" with "cost"

Page 2, line 14, after "property" insert "eligible for a tax exemption under section 57-39.2-04.15"

Page 2, line 14, remove "new"

Page 2, line 15, replace "infrastructure" with "the large facility"

Page 2, line 17, after the underscored semicolon insert "and"



Page 2, line 18, remove "The estimated total cost for the new infrastructure is at least five hundred million"

Page 2, remove lines 19 through 21

Page 2, line 22, replace "under chapter 57-40.2" with "The county in which the large facility is located has a hub city and received at least thirty million dollars of oil and gas gross production tax revenue allocations under section 57-51-15 from September 1, 2021, through August 31, 2022"

Page 2, line 23, after "4." insert "To qualify for the distribution under subsection 3, the large facility must:

- a. Be a new fertilizer or chemical processing plant that is eligible for a tax exemption under section 57-39.2-04.15;
  - b. Begin construction after July 1, 2023; and
  - c. Have an estimated total cost of at least one billion dollars.
5. A county or city may receive only one distribution under subsection 3.
6. "

Page 2, line 23, replace "new infrastructure" with "large facility"

Page 2, line 25, replace "5." with "7."

Page 2, line 25, replace "tax commissioner may request" with "owner of the large facility shall provide"

Page 2, line 25, remove "from the owner of"

Page 2, line 26, replace "the new infrastructure" with "to the tax commissioner"

Page 2, line 26, replace "value" with "cost"

Page 2, line 27, replace "new infrastructure" with "large facility"

Page 2, after line 27, insert:

- "8. If a county or city receives a distribution from the fund, the county or city shall provide at least one report to the legislative management on the use of the funding. The report must include the amount of funding received and spent by the county or city, including an itemized list of the amounts spent and a description of how the funding was used by the county or city."

Page 2, replace line 28, with:

**"SECTION 4. EXPIRATION DATE.** Sections 2 and 3 of this Act are effective through June 30, 2027, and after that date are ineffective."

Renumber accordingly

SB 2334 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2335, as engrossed:** Your conference committee (Sens. K. Roers, Cleary, Hogan and Reps. M. Ruby, Frelich, Dobervich) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1702 and place SB 2335 on the Seventh order.

Engrossed SB 2335 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1391, as engrossed:** Your conference committee (Sens. Luick, Hogan, Weston and Reps. Hagert, Conmy, J. Olson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1796, adopt amendments as follows, and place HB 1391 on the Seventh order:

That the Senate recede from its amendments as printed on page 1796 of the House Journal and pages 1477 and 1478 of the Senate Journal and that Engrossed House Bill No. 1391 be amended as follows:

Page 1, line 9, after "The" insert "unofficial"

Page 1, line 10, after "or" insert ", if applicable,"

Page 1, line 10, after "website" insert "or the official county website"

Renumber accordingly

Engrossed HB 1391 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1487, as engrossed:** Your conference committee (Sens. Paulson, Myrdal, Larson and Reps. Koppelman, J. Johnson, Dakane) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1681-1682, adopt amendments as follows, and place HB 1487 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1681 and 1682 of the House Journal and pages 1433 and 1434 of the Senate Journal and that Engrossed House Bill No. 1487 be amended as follows:

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide for a legislative management study"

Page 1, line 13, after "transaction" insert ", or taking any actions related to dispute processing, fraud management, or protecting transaction integrity from concerns related to illegal activities, breach, or cyber risks"

Page 1, line 17, remove "standards"

Page 1, line 17, after "organization" insert "for standardization for firearms retailers"

Page 1, line 18, after "5." insert "\"Firearms retailer\" means any person physically located in this state engaged in the lawful business of selling or trading firearms or ammunition to be used in firearms."

6."

Page 1, line 20, replace "6." with "7."

Page 2, line 6, remove "any merchant located in this state to use"

Page 2, remove line 7

Page 2, line 8, replace "sale of firearms or ammunition from other sporting goods or general merchandise" with "the use of a firearms code in a manner that distinguishes a firearms retailer located in this state from a general merchandise retailer or a sporting goods retailer"

Page 2, line 9, remove "use a firearms code to"

Page 2, after line 14, insert:

"4. Nothing in this section may impair the financial entity's actions related to dispute processing, fraud management, protecting transaction integrity from concerns related to illegal activities, breach, cyber risks, or to comply with state or federal law."

Page 2, line 16, after "1." insert "Any person may allege violations under this chapter to the attorney general."

Page 2, line 16, replace the first "shall" with "may"

Page 2, line 23, after "3." insert "If a court issues an injunction under this section, the court shall award the attorney general reasonable expenses, including reasonable attorney's fees and costs."

4."

Page 2, line 24, replace "five" with "ten"

Page 2, line 24, remove "for the first violation and ten"

Page 2, line 25, replace "thousand dollars for each additional violation" with "per transaction"

Page 2, line 29, replace "4." with "5."

Page 3, line 5, after "chapter" insert an underscored comma

Page 3, line 5, after "general" insert ", and administrative expenses"

Page 3, line 8, after the underscored period insert "The attorney general may use money remaining in the fund after disbursements to defray the costs of administering and enforcing this chapter."

**SECTION 2. LEGISLATIVE MANAGEMENT STUDY - RETAILER ADMINISTRATION OF COLLECTING AND REMITTING SALES TAX.** During the 2023-24 interim, the legislative management shall consider studying the cost to North Dakota retailers for the collection, remittance, and filing of North Dakota sales and use tax. The study shall categorize North Dakota merchants into no less than three classes by sales volume and describe any differences in costs related to sales volume. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Engrossed HB 1487 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1501, as engrossed:** Your conference committee (Sens. Weber, Lemm, Myrdal and Reps. Schreiber-Beck, Beltz, Headland) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1409-1411, adopt amendments as follows, and place HB 1501 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1409-1411 of the House Journal and pages 1159-1161 of the Senate Journal and that Engrossed House Bill No. 1501 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 4.1-11-01, sections 4.1-11-08, 4.1-11-10, 4.1-11-11, 4.1-11-12, 4.1-11-13, 4.1-11-14, and 4.1-11-15, and subsection 1 of section 4.1-44-03 of the North Dakota Century Code, relating to the North Dakota soybean council and the North Dakota soybean fund; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 4.1-11-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Council" means the nongovernmental entity, known as the North Dakota soybean council.

**SECTION 2. AMENDMENT.** Section 4.1-11-08 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-08. Council members - Compensation.**

Each member of the council is entitled to receive compensation in the amount established by the council ~~but not exceeding one hundred thirty-five dollars per day~~ plus reimbursement for expenses ~~as provided by law for state officers~~ if the member is attending meetings or performing duties directed by the council.

**SECTION 3. AMENDMENT.** Section 4.1-11-10 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-10. Council duties and reports.**

1. The council shall develop policies and initiate programs to promote the development of markets for and increase the utilization of soybeans grown in this state.
2. The council shall develop and disseminate information regarding the purpose of the soybean assessment and ways in which the assessment benefits soybean producers.
3. The council shall determine the uses for which any moneys raised under this chapter may be expended. The uses may include the funding of research, education programs, and market development efforts, as well as participation in programs under the auspices of national soybean promotion organizations.
4. Annually, the council shall prepare and submit a report summarizing the activities of the council to the state auditor and commissioner. The report must show all income, expenses, and other relevant information concerning fees collected and expended.
5. The council shall request and submit a certificate of good standing, issued by the secretary of state, as part of the report described in subsection 4.

**SECTION 4. AMENDMENT.** Section 4.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-11. Assessment.**

~~And~~ If a federal assessment under the Soybean Promotion, Research, and Consumer Information Act [Pub. L. 101-624; 104 Stat. 3881; 7 U.S.C. 92 et seq.] or a similar act remains in place, a state assessment under this section is prohibited. If the Soybean Promotion, Research, and Consumer Information Act [Pub. L. 101-624; 104 Stat. 3881; 7 U.S.C. 92 et seq.] or similar act eliminates a federal assessment, the council shall implement a state assessment equaling one-half of one percent of the value of the sale must be imposed upon all soybeans sold to a designated handler.

**SECTION 5. AMENDMENT.** Section 4.1-11-12 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-12. Collection of assessment by designated handler - Records.**

~~4. If an assessment is in place under section 4.1-11-11:~~

1. Each designated handler shall collect the assessment from the seller by deducting the assessment from the purchase price of all soybeans subject to the assessment-;
2. Each designated handler shall keep all records regarding the quantity of soybeans received and assessed for a period of three years-; and
3. All records required by this section may be examined by the council upon request.

**SECTION 6. AMENDMENT.** Section 4.1-11-13 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-13. Quarterly report - Submission to council.**

At the time and in the manner prescribed by the council, each designated handler shall file with the council a quarterly report stating the quantity of all soybeans ~~that the handler purchased and assessed~~ under section 4.1-11-11.

**SECTION 7. AMENDMENT.** Section 4.1-11-14 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-14. Submission of assessments - ~~Civil penalty~~Delinquent assessment.**

Each designated handler shall forward to the council all assessments collected by the handler under section 4.1-11-11 within thirty days after the end of each calendar quarter. If a designated handler fails to submit the assessments as required by this section, the council shall increase the amount owed by two percent each month, beginning with the day following that on which the assessments came due.

**SECTION 8. AMENDMENT.** Section 4.1-11-15 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-15. Continuing appropriation - Use of council funds.**

~~The council shall forward all~~All moneys received under this chapter to the state treasurer for deposit~~must be deposited in the soybean fund~~checkoff account at the Bank of North Dakota. All moneys in the soybean fund~~checkoff account are appropriated on a continuing basis to the council~~and may be used exclusively to carry out by the council for the payment of claims by the council based on the obligations incurred in the performance of council activities, functions, and purposes as provided in this chapter. The board shall segregate moneys in the soybean checkoff account from all other moneys of the council.

**SECTION 9. AMENDMENT.** Subsection 1 of section 4.1-44-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any other provision of law, the state treasurer shall invest in accordance with section 21-10-07 all available moneys in:
  - a. The potato fund;
  - b. The oilseed fund;
  - c. The dry bean fund;
  - d. The dry pea and lentil fund;
  - e. The barley fund;
  - f. ~~The soybean fund;~~
  - g. The corn fund;

- ~~h.g.~~ The honey fund;
- ~~i.h.~~ The turkey fund;
- ~~j.i.~~ The milk marketing fund;
- ~~k.j.~~ The dairy promotion commission fund;
- ~~l.k.~~ The state wheat commission fund;
- ~~m.l.~~ The ethanol fund; and
- ~~n.m.~~ The North Dakota beef commission fund.

**SECTION 10. EFFECTIVE DATE.** This Act becomes effective on July 1, 2024."

Renumber accordingly

Engrossed HB 1501 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**