# JOURNAL OF THE HOUSE

## Sixty-eighth Legislative Assembly

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**Bismarck, April 17, 2023**

The House convened at 12:30 p.m., with Speaker D. Johnson presiding.

The prayer was offered by Chaplain Alice Delzer, AMVETS National Ladies Auxiliary, Bismarck.

The roll was called and all members were present except Representatives B. Anderson, Bellew, Christensen, and Marschall.

A quorum was declared by the Speaker.

### CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Bellew, Chairman)** has carefully examined the Journal of the Sixty-second and Sixty-fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1801, after line 23, insert:

"Page 4, line 3, replace "two years" with "one year""

Page 1918, line 4, replace "passed" with "failed to pass"

**REP. BELLEW MOVED** that the report be adopted, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2071, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **DO NOT PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2071 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2087: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **DO NOT PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2129, as reengrossed: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). Reengrossed SB 2129 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1306 of the House Journal, Reengrossed Senate Bill No. 2129 is amended as follows:

Page 2, line 27, replace "$400,000" with "$1,000,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2129 - DHHS - Other - House Action**

| | Base Budget | Senate Version | House Changes | House Version |
|---|---|---|---|---|
| Alternatives to abortion | | $400,000 | $600,000 | $1,000,000 |
| Total all funds | $0 | $400,000 | $600,000 | $1,000,000 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | $0 | $400,000 | $600,000 | $1,000,000 |

| | | | | |
|---|---|---|---|---|
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

**Department 325 - DHHS - Other - Detail of House Changes**

| | Increases Funding for Alternatives to Abortion[1] | Total House Changes |
|---|---|---|
| Alternatives to abortion | $600,000 | $600,000 |
| Total all funds | $600,000 | $600,000 |
| Less estimated income | 0 | 0 |
| General fund | $600,000 | $600,000 |
| FTE | 0.00 | 0.00 |

[1] Funding is increased by $600,000 from the general fund to provide ongoing funding of $1 million from the general fund to the Department of Health and Human Services to establish and maintain an alternatives-to-abortion program.

**REPORT OF STANDING COMMITTEE**

**SB 2150, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2150 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to abortions; to"

Page 1, line 1, remove "12.1-31-12,"

Page 1, line 4, after "sections" insert "12.1-31-12,"

Page 1, line 6, after "to" insert "abortions,"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 7 with:

"**SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

As used in this chapter:

1. "Abortion" means the act of using, selling, or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge the termination by those means will with reasonable likelihood cause the death of the unborn child. The use, sale, prescription, or means is not an abortion if done with the intent to:

   a. Remove a dead unborn child caused by spontaneous abortion;

   b. Treat a woman for an ectopic pregnancy; or

   c. Treat a woman for a molar pregnancy.

2. "Physician" means an individual licensed to practice medicine or osteopathy under chapter 43-17 or a physician who practices in the armed services of the United States or in the employ of the United States.

3. "Probable gestational age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the gestational age of the unborn child.

4. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

5. "Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

**Abortion prohibited - Penalty.**

It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.

**Exceptions.**

This chapter does not apply to:

1. An abortion deemed necessary based on reasonable medical judgment which was intended to prevent the death or a serious health risk to the pregnant female.

2. An abortion to terminate a pregnancy that based on reasonable medical judgment resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20, if the probable gestational age of the unborn child is six weeks or less.

3. An individual assisting in performing an abortion if the individual was acting within the scope of that individual's regulated profession, was under the direction of or at the direction of a physician, and did not know the physician was performing an abortion in violation of this chapter."

Page 3, line 26, overstrike "or"

Page 3, line 27, after "pregnancy" insert "; or

c. Treat a woman for a molar pregnancy"

Page 6, line 11, overstrike "substantial"

Page 6, line 11, overstrike "physical impairment of a"

Page 6, line 12, overstrike "major bodily function, not including psychological or emotional conditions" and insert immediately thereafter "a serious health risk"

Page 6, line 12, overstrike "A condition"

Page 6, overstrike lines 13 through 15

Page 6, line 30, after "14." insert ""Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

15."

Page 7, line 1, replace "15." with "16."

Page 9, line 19, remove "section 12.1-31-12,"

Page 9, line 29, replace "due to a medical emergency" with "to prevent a serious health risk"

Page 10, line 25, overstrike "avert" and insert immediately thereafter "prevent"

Page 10, line 26, overstrike "for which a twenty-four-hour delay will create grave peril of immediate"

Page 10, line 27, overstrike "and irreversible loss of major bodily function" and insert immediately thereafter "prevent a serious health risk"

Page 10, line 31, overstrike the comma

Page 10, line 31, overstrike "because the continuation of her pregnancy will impose on her a"

Page 11, line 1, overstrike "substantial risk of grave impairment of her physical"

Page 11, line 1, overstrike "health" and insert immediately thereafter "to prevent a serious health risk"

Page 15, line 16, overstrike "After the point in pregnancy when the unborn child may reasonably be expected to"

Page 15, line 17, overstrike "have reached viability,"

Page 15, line 17, remove "an"

Page 15, line 17, overstrike "abortion may be performed"

Page 15, overstrike line 18

Page 15, line 19, overstrike "the life of the woman"

Page 15, overstrike lines 22 through 26

Page 15, line 27, overstrike "concurrence is not required in the case of"

Page 15, line 27, remove "a medical"

Page 15, line 27, overstrike "emergency when the abortion"

Page 15, overstrike line 28

Page 15, line 29, overstrike "4."

Page 16, line 10, overstrike "5." and insert immediately thereafter "4."

Page 16, line 12, overstrike "6." and insert immediately thereafter "5."

Page 21, line 20, after "Sections" insert "12.1-31-12,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2181, as engrossed and amended: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2181, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1375 of the House Journal, Engrossed Senate Bill No. 2181 is amended as follows:

Page 3, line 5, remove "Increase"

Page 3, overstrike lines 6 through 8

Page 3, line 9, overstrike "w."

Page 3, line 10, after "months" insert ". Unless the individual has not received temporary assistance for needy families for twelve or more months, the incentive allowance may not be used again after the twelve months"

Page 3, line 11, overstrike "x." and insert immediately thereafter "w."

Page 4, line 22, overstrike "sixty-two" and insert immediately thereafter "seventy-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2190, as reengrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2190 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2239, as engrossed: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2345, as reengrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2345 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on page 1595 of the House Journal, Reengrossed Senate Bill No. 2345 is amended as follows:

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 11, after "program" insert ", the vulnerable adult protective services program,"

Page 1, line 17, replace "the" with "a"

Page 2, line 4, after "Procedures" insert "to be followed by an investigator"

Page 2, line 5, remove "managed by a guardianship investigator"

Page 2, line 9, after "court" insert "and other appropriate agencies"

Page 2, remove lines 11 through 16

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1288, as engrossed:** Your conference committee (Sens. K. Roers, Lee, Sickler and Reps. Louser, Satrom, Steiner) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1405-1406, adopt amendments as follows, and place HB 1288 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1405 and 1406 of the House Journal and pages 1157 and 1158 of the Senate Journal and that Engrossed House Bill No. 1288 be amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 48-01.2-20 and"

Page 1, line 2, after the first "to" insert "notice requirements for construction manager at-risk contracts and"

Page 1, line 2, remove "and"

Page 1, line 4, after "agencies" insert "; and to provide for a legislative management study"

Page 1, after line 5, insert:

"**SECTION 1.** A new subsection to section 48-01.2-20 of the North Dakota Century Code is created and enacted as follows:

The governing body shall publish a notice of request for qualifications to enter a construction management at-risk contract under this section in a newspaper of general circulation in the county in which the public improvement is located and in a construction trade publication, electronic service, builders exchange, or other industry-recognized method in general circulation among the contractors, building manufacturers, and dealers in this state. The notice must be published for three consecutive weeks, with the first publication being at least twenty-one days before the date of opening of the request for qualifications. Upon written request, the governing body shall mail a copy of the invitation to any interested party."

Page 2, after line 11, insert:

"**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - INFRASTRUCTURE DEVELOPMENT BY PRIVATE OPERATORS.** During the 2023-24 interim, the legislative management shall consider studying infrastructure development by private operators as provided for under chapter 48-02.1, agency construction management procurement procedures under section 48-01.2-19, and construction management at-risk delivery methods under section 48-01.2-20. The study must include input from contractor groups and other stakeholders to determine how public-private partnerships are being used and whether the use of these partnerships has been successful. 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 1288 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1415, as engrossed:** Your conference committee (Sens. Wobbema, Larson, Piepkorn and Reps. Vetter, S. Olson, Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1389-1390, adopt amendments as follows, and place HB 1415 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1389 and 1390 of the House Journal and pages 1132 and 1133 of the Senate Journal and that Engrossed House Bill No. 1415 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the equipment and staffing needs of law enforcement.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - LAW ENFORCEMENT STAFFING AND EQUIPMENT.** During the 2023-24 interim, the legislative management shall study the equipment and staffing needs of law enforcement departments in the state. The study must include assessing the:

1. Specific and unique challenges faced by certain regions or communities, such as a large population of high-risk offenders or offenders under some form of supervision or monitoring program;

2. Types of technologies available to law enforcement for the purpose of supervising or monitoring offenders; and

3. Costs associated with purchase, implementation, and maintenance of those technologies available to law enforcement for supervising or monitoring offenders.

The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Engrossed HB 1415 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1465, as engrossed:** Your conference committee (Sens. Kessel, Boehm, Barta and Reps. D. Ruby, J. Johnson, Dakane) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1265 and place HB 1465 on the Seventh order.

Engrossed HB 1465 was placed on the Seventh order of business on the calendar.

## COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 13, 2023, I have signed the following: HB 1242.

## VETO MEASURE

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1416 and return it to the House.

Currently, North Dakota has only one health care system that offers both health care services (a provider) and health insurance plans (a payer) and therefore meets the bill's definition of "integrated delivery network."

House Bill 1416 targets only one health insurance plan offered in North Dakota and directly risks increasing health insurance costs for over 13,000 North Dakotans. These citizens made the personal choice to enroll in a health care plan with a narrow (versus broad) provider network to achieve paying substantially lower health insurance premiums. It should be noted that this plan's "narrow" network of approximately 3,500 North Dakota providers includes 1,600 providers who are not employees of the integrated delivery network offering the plan.

Multiple health insurers serving North Dakota also offer reduced-price premium health insurance plans tied to narrow provider networks. However, because those payers would not be subject to the restrictions in House Bill 1416, this bill, if signed, would likely invite legal challenges based on North Dakota's constitutional prohibition on "special legislation" which targets one specific business or entity.

According to public testimony provided by the state's lone integrated delivery network, employers participating in its narrow plan are required to offer employees the broad provider network alongside the narrow provider network. At the end of the day, this is the consumer's decision, and each choice must be weighed according to personal preferences, circumstances and budgets.

Vertical integration in the U.S. health care industry, for better or worse, has accelerated since the implementation of the Affordable Care Act in 2010. Hundreds of integrated delivery networks now exist across the United States. While currently we have only one integrated delivery network in North Dakota, we could see additional health care service providers align with insurance companies to offer reduced-cost, narrow network health insurance plans. Such competition from new entrants in North Dakota would be constrained by the narrow limitation of House Bill 1416.

The extensive testimony and lobbying on both sides of this bill is part of a larger, ongoing, important debate about how to achieve health care affordability, accessibility and quality for all our citizens, including in our rural and tribal areas. This larger debate in our Capitol and across our country reflects genuine concerns about the market power and the potential conflicts of interest of vertical integration between payers and providers.

However, this bill does not resolve or solve those concerns. Currently, independent providers are included in many broad network insurance offerings from North Dakota insurers. Again, all this half-page bill would accomplish is to eliminate one reduced-cost plan currently purchased and in use by 13,000 citizens, which is less than 2 percent of all North Dakotans on health insurance plans in North Dakota.

We commend the Legislature for attempting to address concerns about the market power of vertical integration in health care. We encourage the Legislature to create a joint legislative/executive branch task force including our independently elected Insurance Commissioner to build upon prior efforts and continue a comprehensive review of affordability, accessibility and quality of North Dakota's health systems during the interim. The Legislature should insist that payers and providers come to the table with transparency and direct the task force to bring forward recommendations to the 69th Legislative Assembly to reduce costs, enhance patient outcomes and improve health for all North Dakotans.

For the reasons stated above, House Bill 1416 is vetoed.

**MOTION**

**REP. BOSCH MOVED** that enrolled HB 1416 be placed at the top of the Eleventh order for the purpose of overriding the Governor's veto pursuant to Article V, Section 9 of the Constitution of North Dakota, which motion prevailed.

**CONSIDERATION OF VETOED MEASURE**

**HB 1416:** AN ACT to create and enact section 26.1-36-12.7 of the North Dakota Century Code, relating to freedom of choice for health care services; and to provide for application.

**ROLL CALL**

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

The House overrode the Governor's veto of HB 1416, as enrolled.

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**REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Lefor, Chairman)** has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to early childhood services and child care assistance; to provide for a legislative management report; to provide an appropriation; and to provide an effective date.

The bill will be HB 1540.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SCHREIBER-BECK MOVED** that the conference committee report on Reengrossed SB 2380 as printed on HJ pages 1945-1946 be adopted, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2380:** A BILL for an Act to amend and reenact section 15.1-27-16 of the North Dakota Century Code, relating to administrative cost-sharing for cooperating districts and special education units; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Reengrossed SB 2380, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. D. RUBY MOVED** that the conference committee report on Engrossed HB 1465 as printed on HJ page 1265 be adopted, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1465:** A BILL for an Act to amend and reenact sections 43-03-03 and 43-03-04 and subsections 4 and 5 of section 43-03-13 of the North Dakota Century Code, relating to membership of the state board of architecture and landscape architecture; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Hoverson; Koppelman; Prichard; Timmons

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Reengrossed HB 1465 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. VETTER MOVED** that the conference committee report on Engrossed HB 1415 as printed on HJ pages 1132-1133 be adopted, which motion prevailed on a voice vote.

**MOTION**

**REP. PRICHARD MOVED** that the House reconsider its action whereby Reengrossed HB 1415 passed, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. VETTER MOVED** that the conference committee report on Engrossed HB 1415 as printed on HJ pages 1132-1133 be adopted.

**REQUEST**

**REP. PRICHARD REQUESTED** a recorded roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1415, the roll was called and there were 20 YEAS, 70 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Conmy; Dakane; Davis; Dobervich; Finley-DeVille; Fisher; Hanson; Ista; Kreidt; Mitskog; Mock; Nelson; O'Brien; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Vetter; Weisz

**NAYS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Cory; Dockter; Dyk; Fegley; Frelich; Grueneich; Hager; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Monson; Motschenbacher; Murphy; Nathe; Novak; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Steiner; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Wagner; Warrey; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

The conference committee report on Engrossed HB 1415 was rejected on a recorded roll call vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. LOUSER MOVED** that the conference committee report on Engrossed HB 1288 as printed on HJ pages 1405-1406 be adopted, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1288:** A BILL for an Act to create and enact a new subsection to section 48-01.2-20 and a new section to chapter 54-21 of the North Dakota Century Code, relating to notice requirements for construction manager at-risk contracts and state entities contracting for property management services; to amend and reenact section 54-21-24.1 of the North Dakota Century Code, relating to the lease of additional space by state agencies; 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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek;

Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Hanson

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Reengrossed HB 1288 passed.

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**MOTION**

**REP. BOSCH MOVED** that House Rule 509 be suspended for two legislative days, which motion prevailed.

**MOTION**

**REP. BOSCH MOVED** that SB 2239, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

**CONSIDERATION OF MESSAGES FROM THE SENATE**

**REP. BOSCH MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1018 as printed on HJ pages 1933-1940, in the Senate amendments to Reengrossed HB 1168 as printed on HJ pages 1678-1679, in the Senate amendments to Engrossed HB 1362 as printed on HJ pages 1631-1632, and in the Senate amendments to Reengrossed HB 1522 as printed on HJ page 1566 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**THE SPEAKER APPOINTED** as a Conference Committee on:
**Engrossed HB 1018:** Reps. Nathe, Swiontek, Martinson.
**Reengrossed HB 1168:** Reps. Hagert, Dockter, J. Olson.
**Engrossed HB 1362:** Reps. Kiefert, Prichard, Holle.
**Reengrossed HB 1522:** Reps. Rohr, K. Anderson, Dobervich.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. BOSCH MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2003, Engrossed SB 2010, Engrossed SB 2017, Engrossed SB 2018, Engrossed SB 2024, SB 2240, Engrossed SB 2265, Engrossed SB 2279, SB 2326, and Engrossed SB 2341, which motion prevailed.

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

**Engrossed SB 2003:** Reps. Nathe, Schatz, Hanson
**Engrossed SB 2010:** Reps. Meier, Pyle, Mock
**Engrossed SB 2017:** Reps. Kempenich, Brandenburg, Monson
**Engrossed SB 2018:** Reps. Richter, Martinson, Hanson
**Engrossed SB 2024:** Reps. Pyle, Meier, Mock
**SB 2240:** Reps. Nelson, B. Anderson, Mitskog
**Engrossed SB 2265:** Reps. McLeod, Fegley, Davis
**Engrossed SB 2279:** Reps. Thomas, Headland, Christy
**SB 2326:** Reps. D. Anderson, Hagert, Novak
**Engrossed SB 2341:** Reps. Beltz, M. Ruby, Davis

**SIXTH ORDER OF BUSINESS**

**SPEAKER D. JOHNSON DEEMED** approval of the amendments to Reengrossed SB 2129, Engrossed SB 2150, Engrossed SB 2181, Engrossed SB 2335, Reengrossed SB 2345, and Engrossed SB 2371.

Reengrossed SB 2129, Engrossed SB 2150, Engrossed SB 2181, Engrossed SB 2335, Reengrossed SB 2345, and Engrossed SB 2371, as amended, were placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to the child care assistance program; and to provide a statement of legislative intent.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 78 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boschee; Dakane; Davis; Dobervich; Finley-DeVille; Hager; Hanson; Ista; Mitskog; Mock; Schneider; Vetter

**NAYS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Brandenburg; Christy; Conmy; Cory; Dockter; Dyk; Fegley; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Reengrossed SB 2190 failed.

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**SECOND READING OF SENATE BILL**

**SB 2087:** A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to requirements for administration of temporary assistance for needy families.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 76 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boschee; Dakane; Davis; Dobervich; Finley-DeVille; Frelich; Hager; Ista; McLeod; Mitskog; Mock; Prichard; Schneider; Timmons

**NAYS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Brandenburg; Christy; Conmy; Cory; Dockter; Dyk; Fegley; Fisher; Grueneich; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

SB 2087 failed.

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**SECOND READING OF SENATE BILL**

**SB 2071:** A BILL for an Act to amend and reenact section 50-24.1-41 of the North Dakota Century Code, relating to medical assistance for pregnant women.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 73 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boschee; Conmy; Dakane; Davis; Dobervich; Finley-DeVille; Frelich; Hager; Ista; McLeod; Mitskog; Mock; Murphy; Prichard; Ruby, M.; Schneider; Timmons

**NAYS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Brandenburg; Christy; Cory; Dockter; Dyk; Fegley; Fisher; Grueneich; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Monson; Motschenbacher; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Engrossed SB 2071 failed.

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**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, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Ista; Johnson, J.; Jonas; Karls; Kasper; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Hoverson; Kempenich; Schatz

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Engrossed SB 2181, as amended, passed.

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**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, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Brandenburg; Christy; Conmy; Cory; Dockter; Dyk; Fegley; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls;

Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Boschee; Dakane; Davis; Dobervich; Finley-DeVille; Hager; Hanson; Ista; Murphy; Schneider

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Reengrossed SB 2129, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2371:** A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the power of counties and municipalities to prohibit local development by a foreign adversary; to amend and reenact section 47-01-09 of the North Dakota Century Code, relating to the prohibition on ownership of real property by a foreign adversary; to provide a legislative management study; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Hager; Hanson; Schreiber-Beck

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Engrossed SB 2371, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2335:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to establishing an annual day of awareness for fetal alcohol spectrum disorder; to amend and reenact subsection 3 of section 25-01.2-01 of the North Dakota Century Code, relating to fetal alcohol spectrum disorder; and to repeal section 50-06-32 of the North Dakota Century Code, relating to the autism spectrum disorder task force.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland;

Heilman; Heinert; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Henderson; Ruby, D.; VanWinkle

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Engrossed SB 2335, as amended, passed.

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**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.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Cory; Ruby, D.

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall; Sanford

Reengrossed SB 2345, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2150:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to abortions; to amend and reenact sections 14-02.1-01, 14-02.1-02, 14-02.1-02.1, 14-02.1-02.2, 14-02.1-03, 14-02.1-03.1, 14-02.1-04, and 14-02.1-07, and subsection 1 of section 43-17-31 of the North Dakota Century Code, relating to abortion and grounds for disciplinary action imposed against a physician; to repeal sections 12.1-31-12, 14-02.1-04.1, 14-02.1-04.2, 14-02.1-05.1, 14-02.1-05.2, and 14-02.1-05.3 of the North Dakota Century Code, relating to abortions, sex-selective abortions, genetic abnormality abortions, human dismemberment abortions, and abortions after a detectable heartbeat; 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, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, K.; Bahl; Beltz; Bosch; Brandenburg; Christy; Cory; Dockter; Dyk; Fegley; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck;

Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Monson; Motschenbacher; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

**NAYS:** Boschee; Conmy; Dakane; Davis; Dobervich; Finley-DeVille; Hager; Hanson; Ista; Mock; Murphy; Roers Jones; Schneider; Swiontek

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Christensen; Marschall

Engrossed SB 2150, as amended, passed and the emergency clause was declared carried.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2247.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2129, SB 2150, SB 2181, SB 2335, SB 2345, SB 2371.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has failed to pass, unchanged: SB 2071, SB 2087, SB 2190.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1018, HB 1168, HB 1362, and HB 1522, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Nathe; Swiontek; Martinson
**HB 1168:** Reps. Hagert; Dockter; J. Olson
**HB 1362:** Reps. Kiefert; Prichard; Holle
**HB 1522:** Reps. Rohr; K. Anderson; Dobervich

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1003:** Sens. Sorvaag; Schaible; Krebsbach
**HB 1012:** Sens. Wanzek; Erbele; Dwyer
**HB 1014:** Sens. Schaible; Sorvaag; Meyer
**HB 1015:** Sens. Vedaa; Wanzek; J. Roers
**HB 1019:** Sens. Davison; Dever; Kreun
**HB 1021:** Sens. Davison; Dever; Burckhard
**HB 1028:** Sens. Weston; Hogan; K. Roers
**HB 1114:** Sens. Burckhard; Kreun; Dever
**HB 1225:** Sens. Rummel; Magrum; Piepkorn
**HB 1231:** Sens. Beard; Wobbema; Lemm
**HB 1313:** Sens. Barta; K. Roers; Braunberger
**HB 1379:** Sens. Bekkedahl; Hogue; Klein
**HB 1391:** Sens. Luick; Hogan; Weston
**HB 1447:** Sens. Lee; Cleary; K. Roers
**HB 1480:** Sens. Cleary; Hogan; Weston
**HB 1508:** Sens. K. Roers; Barta; Estenson
**HB 1536:** Sens. Lee; Weston; Hogan
**HCR 3033:** Sens. Larsen; Klein; Kessel

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently

passed: SB 2002, SB 2006, SB 2008, SB 2022, SB 2096, and SB 2142.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2016, SB 2089, SB 2149, SB 2168, SB 2169, SB 2219, and SB 2330, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2016:** Sens. Rust; Krebsbach; Sorvaag
**SB 2089:** Sens. Patten; Kannianen; Piepkorn
**SB 2149:** Sens. Lee; Cleary; Hogan
**SB 2168:** Sens. Rummel; Larsen; Clemens
**SB 2169:** Sens. Rummel; Paulson; Conley
**SB 2219:** Sens. Conley; Paulson; Clemens
**SB 2330:** Sens. Klein; Larsen; Barta

**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 2003:** Reps. Nathe; Schatz; Hanson
**SB 2010:** Reps. Meier; Pyle; Mock
**SB 2017:** Reps. Kempenich; Brandenburg; Monson
**SB 2018:** Reps. Richter; Martinson; Hanson
**SB 2024:** Reps. Pyle; Meier; Mock
**SB 2240:** Reps. Nelson; B. Anderson; Mitskog
**SB 2265:** Reps. McLeod; Fegley; Davis
**SB 2279:** Reps. Thomas; Headland; Christy
**SB 2326:** Reps. D. Anderson; Hagert; Novak
**SB 2341:** Reps. Beltz; M. Ruby; Davis

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has appointed Sen. Davison to replace Sen. Clemens on the Conference Committee on HB 1519.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has appointed Sen. Kreun to replace Sen. Larsen on the Conference Committee on HB 1519.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has not adopted the conference committee report on: HB 1415.

**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 1288, HB 1465.

**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 2380.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1061, HB 1102, HB 1176, HB 1207, HB 1210, HB 1333, HB 1383.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2063, SB 2092, SB 2094, SB 2126, SB 2139, SB 2161, SB 2187, SB 2241, SB 2343, SB 2344, SB 2391.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1170, HB 1324, HB 1418, HB 1439.

**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 2026.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** Your signature is respectfully requested on: HB 1276.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** Your signature is respectfully requested on: HB 1153, HB 1183, HB 1267, HB 1532.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2001, SB 2005, SB 2021, SB 2061, SB 2200, SB 2281, SB 2372, SB 2392.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2048, SB 2242, SB 2254, SB 2273.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4014.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has signed: HB 1153, HB 1183, HB 1267, HB 1276, HB 1532.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The Speaker has signed: HB 1153, HB 1183, HB 1267, HB 1276, HB 1532.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The Speaker has signed: SB 2001, SB 2005, SB 2021, SB 2048, SB 2061, SB 2200, SB 2242, SB 2254, SB 2273, SB 2281, SB 2372, SB 2392.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The Speaker has signed: SCR 4014.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has signed: SB 2001, SB 2005, SB 2021, SB 2048, SB 2061, SB 2200, SB 2242, SB 2254, SB 2273, SB 2281, SB 2372, SB 2392.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has signed: SCR 4014.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 17, 2023: HB 1153, HB 1183, HB 1267, HB 1276, HB 1532.

**MOTION**

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

**MOTION**

**REP. BOSCH MOVED** that the House be on the Fourth, Fifth, Ninth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Tuesday, April 18, 2023, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2085: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "23-47-02" insert "and 39-21-41.4"

Page 1, line 2, after the second "system" insert "and safety belt usage by emergency medical services personnel; and to provide for a legislative management study"

Page 2, after line 18, insert:

**"SECTION 2. 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 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. This section does not apply to a child in a child restraint or safety belt in accordance with section 39-21-41.2; 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 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; to an occupant who is an emergency medical services personnel, during the provision of direct patient care; 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.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - EMERGENCY MEDICAL SERVICES.** During the 2023-24 interim, the legislative management shall conduct a comprehensive study of the delivery of emergency medical services in the state. The study must include consideration of funding, taxation, access critical areas, demographics, volunteer training, volunteer retention, systems approach to rural areas, employment options, including access to a public safety pension, and educational reimbursements. The study shall also include consideration of distressed ambulance services, which are ambulance services that have indicated an intention to close or change their license level, or an ambulance service that fails to meet performance standards as established by the department of health and human services. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Rust, Sorvaag, Krebsbach and Reps. Brandenburg, Mock, Pyle) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1610, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on page 1610 of the House Journal and pages 1351-1354 and 1384 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; to provide a report"

Page 1, replace lines 11 through 15 with:

| | | | |
|---|---|---|---|
| "Highway patrol | $62,113,414 | $9,075,774 | $71,189,188 |
| Total all funds | $62,113,414 | $9,075,774 | $71,189,188 |
| Less estimated income | 25,785,652 | (4,035,290) | 21,750,362 |

| | | | |
|---|---|---|---|
| Total general fund | $36,327,762 | $13,111,064 | $49,438,826 |
| Full-time equivalent positions | 193.00 | 12.00 | 205.00" |

Page 1, replace line 21 with:

| | | |
|---|---|---|
| "Commercial motor carrier system | $275,000 | $150,000" |

Page 2, replace line 2 with:

| | | |
|---|---|---|
| "New trooper startup costs | 0 | 636,000" |

Page 2, replace lines 7 through 11 with:

| | | |
|---|---|---|
| "Technology enhancements | 0 | 283,200 |
| Shooting range repairs | 0 | 200,000 |
| Total all funds | $7,310,000 | $4,422,200 |
| Less estimated income | 7,310,000 | 1,589,616 |
| Total general fund | $0 | $2,832,584" |

Page 2, line 17, replace "$11,575,949" with "$11,256,381"

Page 2, line 24, replace "$1,648,955" with "$1,633,648"

Page 2, line 29, replace "$2,000,000" with "$3,000,000"

Page 3, after line 2, insert:

"**SECTION 6. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of $3,000,000 of federal funds appropriated in section 6 of chapter 15 of the 2021 Session Laws for the law enforcement training academy project.

2. The sum of $225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system.

3. The sum of $2,612,000 of federal funds derived from the state fiscal recovery fund appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session Session Laws for purchasing radios compatible with the statewide interoperable radio network."

Page 3, after line 10, insert:

"**SECTION 8.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars is appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED APPROPRIATIONS.** Pursuant to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly and office of management and budget to continue unexpended appropriation authority transferred to the agency for deferred maintenance under subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Conference Committee Action**

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|---|---|---|---|---|---|---|
| Highway patrol | $62,113,414 | $73,828,550 | ($2,639,362) | $71,189,188 | $70,746,988 | $442,200 |
| Total all funds | $62,113,414 | $73,828,550 | ($2,639,362) | $71,189,188 | $70,746,988 | $442,200 |
| Less estimated income | 25,785,652 | 22,117,633 | (367,271) | 21,750,362 | 21,272,902 | 477,460 |
| General fund | $36,327,762 | $51,710,917 | ($2,272,091) | $49,438,826 | $49,474,086 | ($35,260) |
| FTE | 193.00 | 202.00 | 3.00 | 205.00 | 205.00 | 0.00 |

**Department 504 - Highway Patrol - Detail of Conference Committee Changes**

| | Adjusts Funding for Salary and Benefit Increases[1] | Removes Salary Funding for Funding Pool[2] | Adds Trooper FTE Positions[3] | Adds Per Diem Funding for New Trooper Positions[4] | Adds Funding for On-Call and Overtime Pay[5] | Adds Funding for CVIEW System[6] |
|---|---|---|---|---|---|---|
| Highway patrol | $754,249 | ($5,319,935) | $1,064,377 | $52,800 | $416,947 | $150,000 |
| Total all funds | $754,249 | ($5,319,935) | $1,064,377 | $52,800 | $416,947 | $150,000 |
| Less estimated income | 200,830 | (1,595,167) | 421,909 | 7,392 | 170,305 | 150,000 |
| General fund | $553,419 | ($3,724,768) | $642,468 | $45,408 | $246,642 | $0 |
| FTE | 0.00 | 0.00 | 3.00 | 0.00 | 0.00 | 0.00 |

| | Adjusts Funding for Technology Projects[7] | Total Conference Committee Changes |
|---|---|---|
| Highway patrol | $242,200 | ($2,639,362) |
| Total all funds | $242,200 | ($2,639,362) |
| Less estimated income | 277,460 | (367,271) |
| General fund | ($35,260) | ($2,272,091) |
| FTE | 0.00 | 3.00 |

[1] Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates, the same as the Senate, as follows:

| | General Fund | Other Funds | Total |
|---|---|---|---|
| Salary increase | $583,105 | $209,014 | $792,119 |
| Health insurance adjustment | (29,686) | (8,184) | (37,870) |
| Total | $553,419 | $200,830 | $754,249 |

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below, the same as the Senate. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

| | General Fund | Other Funds | Total |
|---|---|---|---|
| New FTE positions | ($1,705,561) | ($886,351) | ($2,591,912) |
| Vacant FTE positions | (2,019,207) | (708,816) | (2,728,023) |
| Total | ($3,724,768) | ($1,595,167) | ($5,319,935) |

The House did not remove funding for a new and vacant FTE funding pool.

[3] The following FTE positions are added:

| | FTE | General Fund | Other Funds | Total |
|---|---|---|---|---|
| Criminal interdiction trooper | 1.00 | $244,341 | $39,772 | $284,113 |
| Capitol security trooper | 1.00 | 244,533 | 39,552 | 284,085 |
| Motor carrier trooper | 1.00 | 16,854 | 320,325 | 337,179 |
| Total | 3.00 | $505,728 | $399,649 | $905,377 |

One-time funding of $159,000 is also added for equipment costs for the positions. These 3 new FTE positions were also added by the Senate and are in addition to the 9 FTE trooper positions added by the House including 7 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

[4] Funding is added for $200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions, the same as the Senate. The House did not include this funding.

[5] Funding is added for on-call and overtime pay to account for employee salary increases and equity adjustments, the same as the Senate. The House did not include this funding adjustment.

[6] One-time federal funding is added for the motor carrier Commercial Vehicle Information Exchange Window system. The House did not include this funding, but the Senate added this funding.

[7] Funding for technology enhancements is adjusted as follows:

- Ongoing funding of $129,000 is added, including $110,940 from the general fund and $18,060 from the highway tax distribution fund, to provide total funding of $225,320. The House and Senate provided $133,000, including $114,380 from the general fund and $18,620 from the highway tax distribution fund.
- One-time funding of $113,200 is added by decreasing funding from the general fund by $146,200 and by increasing funding of $259,400 from the motor carrier electronic permit fund to provide total funding of $283,200. The House and Senate provided $146,200 from the general fund and $23,800 from the highway tax distribution fund.

This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by $1 million, from $2 million to $3 million. The House provided for a transfer of $2 million, and the Senate included a transfer of $3 million.
- Includes a section added by the Senate to create a federal assets forfeiture fund with a continuing appropriation of up to $300,000 per biennium to the Highway Patrol for eligible purchases. The House did not include this provision.
- Includes an exemption added by the Senate allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system. The House did not include this exemption.
- Includes an exemption added by the Senate to allow 2021-23 biennium appropriations for the Law Enforcement Training Academy project to be continued into the 2023-25 biennium. The House did not include this exemption.
- Adds an exemption to allow 2021-23 biennium appropriations for radio equipment to be continued into the 2023-25 biennium. Neither the House or Senate included this exemption.
- Adds a section authorizing the agency to submit a request allowing 2021-23 biennium appropriations for deferred maintenance to continue into the 2023-25 biennium. Neither the House or Senate included this provision.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1024, as engrossed:** Your conference committee (Sens. Davison, Burckhard, Mathern

and Reps. Stemen, Strinden, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1676-1678, adopt amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on page 1676-1678 of the House Journal and pages 1427-1429 of the Senate Journal and that Engrossed House Bill No. 1024 be amended as follows:

Page 2, after line 13, insert:

"**SECTION 3. APPROPRIATION - FEDERAL FUNDS - LEAD PIPE REMOVAL AND CLEAN WATER PROJECT GRANTS.** There is appropriated from federal funds, not otherwise appropriated, the sum of $25,000,000, or so much of the sum as may be necessary, to the department of environmental quality for the purpose of providing grants to political subdivisions with a population of ten thousand or less for lead pipe removal and other projects eligible for funding from the clean water state revolving loan fund for the biennium beginning July 1, 2023, and ending June 30, 2025. The department shall require a political subdivision grant recipient to provide twenty-five percent matching funds and the department may not award grants in excess of $5,000,000 to a political subdivision."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment appropriates $25 million from federal funds to the Department of Environmental Quality for grants to political subdivisions with a population of 10,000 or less for lead pipe removal and other projects eligible for funding from the clean water state revolving loan fund.

Engrossed HB 1024 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1052, as engrossed:** Your conference committee (Sens. Kessel, Larsen, Klein and Reps. Koppelman, Dakane, D. Ruby) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1389, adopt further amendments as follows, and place HB 1052 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1076 of the Senate Journal and page 1389 of the House Journal and that Engrossed House Bill No. 1052 be further amended as follows:

Page 1, line 9, after "records;" remove "and"

Page 1, line 9, after "to" insert "provide for a legislative management report; and to"

Page 7, after line 3, insert

**SECTION 9. WORKFORCE SAFETY AND INSURANCE - STUDY GENERAL CONTRACTOR LIABILITY FOR SUBCONTRACTORS AND INDEPENDENT CONTRACTS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2023-24 interim, workforce safety and insurance shall study section 65-04-26.2 regarding the liability of a general contractor or the payment of premium for subcontractors and independent contractors who do not secure required coverage or pay premiums owed. The study must address whether changes can be made to gain efficiencies for those subject to 65-04-26.2 and determine whether changes can be made to increase the effective application of the statute. The study must include research of comparable laws in other jurisdictions and a review of workforce safety and insurance policies and procedures in applying 65-04-26.2. Workforce safety and insurance shall seek input from relevant stakeholders including business personnel and industry groups. Before July 1, 2024, workforce safety and insurance shall report the findings of the study and recommend any statutory changes to the legislative management.

Renumber accordingly

Engrossed HB 1052 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 **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1537-1561, adopt further 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 "**or**" insert "**authorized livestock farm**"

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 - ~~Shareholder~~Farming 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 ~~so 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 ~~all~~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 ~~do~~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 1429, as engrossed:** Your conference committee (Sens. Larsen, Kessel, Boehm and Reps. Warrey, Schauer, Tveit) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1487-1488, adopt amendments as follows, and place HB 1429 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1487 and 1488 of the House Journal and pages 1215-1217 of the Senate Journal and that Engrossed House Bill No. 1429 be amended as follows:

Page 1, line 4, after "21-10-08.1" insert "and subsection 10 of section 54-44.4-02"

Page 1, line 5, after "investments" insert "and restrictions on perpetual contracts"

Page 1, line 5, replace "study" with "report"

Page 1, line 15, after "board" insert ", or any other state entity investing public funds,"

Page 1, line 18, after "board" insert ", or other state entity,"

Page 1, remove lines 22 and 23

Page 1, line 24, replace "refusing" with "Refusing"

Page 1, line 24, after "insure" insert "or charging a different rate"

Page 2, line 2, after "factors" insert ", unless the refusal or different rate is the result of the application of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience"

Page 2, after line 11 insert:

"**SECTION 4. AMENDMENT.** Subsection 10 of section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

10. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation."

Page 2, line 12, replace "**LEGISLATIVE MANAGEMENT**" with "**BANK OF NORTH DAKOTA**"

Page 2, line 12, remove "**DIVESTMENT OF COMPANIES** "

Page 2, line 13, replace "**THAT BOYCOTT ENERGY OR COMMODITIES**" with "**ENVIRONMENTAL, SOCIAL, AND GOVERNANCE TRENDS - REPORT TO LEGISLATIVE MANAGEMENT**"

Page 2, line 13, remove "During the 2023-24 interim, the legislative"

Page 2, replace lines 14 through 26 with:

"1. During the 2023-24 interim, the Bank of North Dakota shall study environmental, social, and governance trends, laws, and policies that impact businesses and industries of this state. The study must include input from representatives from state government and industry with expertise in the areas of energy, agriculture, investment, insurance, economic development, finance, procurement, and contracting, and laws related to these areas.

2. The study must identify laws and regulations enacted by the federal government and other state governments related to environmental, social, and governance policies and trends which impact the state's energy and production agriculture industries. The study also must examine corporate environmental, social, and governance policies and trends impacting the state's energy and production agriculture industries, including finance, lending, insurance, and boycotts of energy or production agriculture commodities.

3. The study must identify a strategy to make the delivery of investment reports relating to state funds available and readily consumable to the public.

4. The study may identify industry-specific public policy strategies for immediate and long-term implementation to help the state continue to be a global leader in energy and agriculture. Strategies may include marketing and advocacy for state industries, exploration of emerging technology and practices, and examination of investment policy.

5. Before June 1, 2024, the Bank of North Dakota shall provide a report of its findings and recommendations to the legislative management, together with any legislation and appropriation requests required to implement the recommendations."

Renumber accordingly

Engrossed HB 1429 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1455, as engrossed:** Your conference committee (Sens. Rummel, Weber, Magrum and Reps. Hagert, Toman, Steiner) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1430-1431, adopt amendments as follows, and place HB 1455 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1430 and 1431 of the House Journal and pages 1181-1183 of the Senate Journal and that Engrossed House Bill No. 1455 be amended as follows:

Page 1, line 1, after "enact" insert "a new subdivision to subsection 3 of section 54-35-26,"

Page 1, line 1, after "57-39.2" insert a comma

Page 1, line 2, replace "4" with "3"

Page 1, line 2, after "to" insert "evaluation of economic development tax incentives and"

Page 1, line 3, after "for" insert "raw"

Page 1, line 3, after "materials" insert ", single-use product contact systems, and reagents"

Page 1, line 3, remove "in the research and development of bioscience and"

Page 1, remove line 4

Page 1, line 5, remove "products"

Page 1, line 5, replace "use in the health care industry" with "biologic manufacturing; to provide for a legislative management report"

Page 1, line 5, remove "and"

Page 1, line 5, after "date" insert "; and to provide an expiration date"

Page 1, after line 6, insert:

"**SECTION 1.** A new subdivision to subsection 3 of section 54-35-26 of the North Dakota Century Code is created and enacted as follows:

Sales and use tax exemption for raw materials, single-use product contact systems, and reagents used for biologic manufacturing."

Page 1, line 9, after "**for**" insert "**raw**"

Page 1, line 9, after "**materials**" insert "**, single-use product contact systems, and reagents**"

Page 1, line 9, remove "**in the research and development of** "

Page 1, remove line 10

Page 1, line 11, replace "**and biotechnology products used in the health care industry**" with "**for biologic manufacturing - Report**"

Page 1, line 12, remove "tangible personal property purchased for use, storage, or"

Page 1, remove line 13

Page 1, line 14, remove "bioscience and biotechnology in the health care industry and"

Page 1, line 14, remove "or"

Page 1, line 15, replace "consumables purchased" with ", single-use product contact systems, and reagents used directly for discovery, testing, screening, and production"

Page 1, line 15, remove "use, storage, or consumption which are critical to"

Page 1, line 16, replace "the health care industry" with "this state are exempt from taxes under this chapter"

Page 1, line 17, remove "qualified biotechnology taxpayer"

Page 1, line 18, remove "or qualified bioscience"

Page 1, line 19, remove "tangible personal property,"

Page 1, line 19, after the second underscored comma insert "single-use product contact systems,"

Page 1, line 19, replace "consumables" with "reagents"

Page 1, line 20, remove "If a certificate is not received before the purchase, the qualified"

Page 1, remove lines 21 and 22

Page 1, line 23, remove "If the tangible personal property, raw materials, or consumables are purchased or"

Page 1, remove line 24

Page 2, remove lines 1 and 2

Page 2, line 3, remove "4."

Page 2, line 4, replace "includes" with "means"

Page 2, line 5, after the first "product" insert "discovery, development,"

Page 2, line 6, after "in-process" insert "products"

Page 2, line 6, remove "in the"

Page 2, line 7, replace "health care industry" with "which occurs exclusively within this state"

Page 2, line 8, remove ""Bioscience" means the use of compositions, methods, and organisms in cellular"

Page 2, remove lines 9 through 11

Page 2, line 12, replace "microbiology" with ""Single-use product contact systems" means tubing, capsule filters, ion exchange membrane chromatography devices, mixers, bioreactors, sterile fluid containment bags, connection devices, and sampling receptacles"

Page 2, remove lines 13 through 30

Page 3, replace lines 1 through 8 with:

4. a. By April first of each year, each taxpayer that received the exemption under this section in the preceding calendar year shall file with the tax commissioner, on forms and in the manner prescribed by the tax commissioner, a report showing for the calendar year preceding the reporting deadline in this subdivision, the taxpayer's:

(1) Total sales and use tax liability exempted under this section;

(2) Total gross payroll;

(3) Total property taxes paid and square footage of buildings owned by the taxpayer;

(4) Total North Dakota workforce safety and insurance premiums paid;

(5) North Dakota unemployment taxes paid; and

(6) Total state income tax withheld by the taxpayer.

b. Failure to file the report required under subdivision a is cause to disallow the exemption due to noncompliance. The tax commissioner shall provide notice of the disallowed exemption to the taxpayer and assess any sales and use tax due. An assessment of tax made under this subsection is final and irrevocably fixed.

c. By June first of each year, the tax commissioner shall submit to the legislative management a written report summarizing the information received under subdivision a, including a comparison of information received in the current calendar year with data received in the preceding calendar year.

Page 3, replace lines 9 and 10 with:

"**SECTION 3.** A new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code is created and enacted as follows:"

Page 3, line 11, replace "Tangible personal property, raw" with "Raw"

Page 3, line 11, replace "or consumables" with "single-use product contact systems, and reagents used for biologic manufacturing"

Page 3, line 12, replace "1" with "2"

Page 3, line 13, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 3, line 13, replace "This" with "Sections 2 and 3 of this"

Page 3, line 13, replace "is" with "are"

Page 3, line 14, after "2023" insert ", and before July 1, 2029, and are thereafter ineffective"

Renumber accordingly

Engrossed HB 1455 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HCR 3035, as engrossed:** Your conference committee (Sens. Lee, Braunberger, Estenson and Reps. Jonas, Heilman, Hager) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1798 and place HCR 3035 on the Seventh order.

Engrossed HCR 3035 was placed on the Seventh order of business on the calendar.

## FIRST READING OF HOUSE BILL

Reps. O'Brien, Lefor, Mitskog, Nelson, Stemen, Vigesaa, Weisz and Sens. Hogan, Kreun, Lee introduced:

(Approved by the Delayed Bills Committee)

**HB 1540:** A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to early childhood services and child care assistance; to provide for a legislative management report; to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the **Human Services Committee**.

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

**Buell J. Reich, Chief Clerk**