

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, February 4, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Rev. LaRue Goetz, President, Revival Prayer Fellowship of Bismarck.

The roll was called and all members were present except Representatives Belter, Brusegaard, Ekstrom, Kaldor, and Sandvig.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of HB 1125 HB 1171, HB 1177, HB 1203, HB 1217, HB 1246, HB 1248, HB 1275, HB 1306, HB 1318, HB 1329, HB 1330, HB 1404, HB 1506 and HB 1513.

HB 1404, as amended, was rereferred to the **Appropriations Committee**.

HB 1125, HB 1171, HB 1177, HB 1203, HB 1217, HB 1246, HB 1248, HB 1275, HB 1306, HB 1318, HB 1329, HB 1330, HB 1506 and HB 1513, as amended, were placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**HCR 3020:** A concurrent resolution urging Congress to implement the 2003-04 emergency agricultural disaster assistance legislation in the same manner as the 2001-02 legislation.

The question being on the final adoption of the resolution, which has been read.

HCR 3020 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1432:** A BILL for an Act to create and enact sections 16.1-08.1-03.10 and 16.1-08.1-03.11 of the North Dakota Century Code, relating to campaign finance; and to amend and reenact subsection 5 of section 16.1-08.1-01, subsections 2 and 3 of section 16.1-08.1-02, subsection 1 of section 16.1-08.1-03, subsection 3 of section 16.1-08.1-03.1, section 16.1-08.1-03.2, subsection 2 of section 16.1-08.1-03.8, and sections 16.1-08.1-03.9, 16.1-08.1-04, and 16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign finance.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Sandvig

HB 1432 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1193:** A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to preferential landowner licenses to hunt elk.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 10 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hawken; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Aarsvold; Amerman; Delzer; Dietrich; Hanson; Hunskor; Iverson; Onstad; Potter; Timm

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Sandvig

HB 1193 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1165:** A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to exceptions to private investigative services licensing; to amend and reenact sections 43-30-01, 43-30-02, and 43-30-03 of the North Dakota Century Code, relating to licensing persons engaged in private investigative service or private security service; and to provide a penalty.

### 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Sandvig; Wrangham

Engrossed HB 1165 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1170:** A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to cooperative purchasing by the office of management and budget; and to amend and reenact sections 15.1-09-34, 54-44.4-02, and 54-44.4-05 of the North Dakota Century Code, relating to the office of management and budget's purchasing services and to competitive, limited competitive, noncompetitive, and negotiated purchases.

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

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Sandvig

Engrossed HB 1170 passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1294 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1433:** A BILL for an Act to amend and reenact sections 15.1-09-09, 16.1-01-09.1, 16.1-06-15, 16.1-06-16, 16.1-06-19, 16.1-06-20, 16.1-06-23, 16.1-11-01, 16.1-11-27, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-13-06, and 40-21-02 of the North Dakota Century Code, relating to election mechanics; and to repeal sections 16.1-11-23, 16.1-11-34, and 40-21-12 of the North Dakota Century Code, relating to election mechanics.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Sandvig

Engrossed HB 1433 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1453:** A BILL for an Act to create and enact a new subsection to section 54-41-03 of the North Dakota Century Code, relating to authorized use of the coat of arms of the state.

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

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Dosch; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.;

Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Damschen; Delzer; Drovdal; Porter

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Sandvig

Engrossed HB 1453 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1240:** A BILL for an Act to amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to real estate salesperson education requirements for licensure; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Zaiser; Speaker Klein

**NAYS:** Bellew; Boe; Thorpe; Wrangham

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Ekstrom; Kaldor; Sandvig; Williams

HB 1240 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to establishing a wild turkey license raffle and auction.

#### 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 38 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Dietrich; Froelich; Froseth; Glassheim; Gullerson; Hawken; Herbel; Johnson, D.; Kasper; Keiser; Kelsh, S.; Kerzman; Kingsbury; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Nicholas; Onstad; Potter; Price; Schmidt; Solberg; Thorpe; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Drovdal; Galvin; Grande; Haas; Hanson; Headland; Horter; Hunskor; Iverson; Johnson, N.; Kelsch, R.; Kempenich; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Sandvig

HB 1269 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1297:** A BILL for an Act to amend and reenact subdivision b of subsection 8 of section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a meeting for purposes of the open meetings law.

**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 1 YEA, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Timm

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Sandvig

HB 1297 lost.

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**MOTION**

**REP. BERG MOVED** that HB 1320 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of students who participate in open enrollment.

**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, 72 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Conrad; Galvin; Hanson; Hawken; Horter; Hunskor; Johnson, N.; Kelsh, S.; Kingsbury; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Solberg; Zaiser

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Glassheim; Grande; Gullerson; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Sandvig

HB 1362 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1392:** A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to the costs of brand reinspection; to amend and reenact sections 36-09-09 and 36-09-24 of the North Dakota Century Code, relating to brand recording and fieldmen; to repeal section 36-09-09 of the North Dakota Century Code, relating to the cancellation and rerecording of brands; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Sandvig

HB 1392 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1419:** A BILL for an Act to amend and reenact section 20.1-08-04.6 of the North Dakota Century Code, relating to special licenses to take elk.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Nottestad

**ABSENT AND NOT VOTING:** Belter; Ekstrom; Kaldor; Kelsch, R.; Sandvig

HB 1419 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1423:** A BILL for an Act to create and enact a new subsection to section 15-02-05, a new section to chapter 15-04, a new section to chapter 15-07, and a new subsection to section 20.1-03-39 of the North Dakota Century Code, relating to duties of the commissioner of university and school lands, public access on original grant lands and nongrant lands, and regulation of guides; and to amend and reenact section 15-07-20 of the North Dakota Century Code, relating to nongrant land leases.

**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 55 YEAS, 32 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Bernstein; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Gulleon; Hanson; Herbel; Hunskor; Iverson; Kasper; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nicholas; Nottestad; Onstad; Pietsch; Porter; Potter; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wald; Wall; Weiler; Williams; Wrangham; Speaker Klein

**NAYS:** Amerman; Berg; Boe; Boucher; Brandenburg; Brusegaard; DeKrey; Glassheim; Haas; Hawken; Headland; Horter; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Klemin; Meyer, S.; Mueller; Nelson; Norland; Owens; Pollert; Price; Rennerfeldt; Schmidt; Solberg; Thorpe; Uglem; Weisz; Wieland; Zaiser

**ABSENT AND NOT VOTING:** Belter; Delzer; Ekstrom; Froelich; Kaldor; Kerzman; Sandvig

HB 1423 passed and the title was agreed to.

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**SPEAKER KLEIN STATED** that HB 1423 is deemed reconsidered and must be rereferred to Appropriations Committee under House Rule 329(3).

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

**HB 1427:** A BILL for an Act to amend and reenact section 41-09-99 of the North Dakota Century Code, relating to limitations on waiver of state law protections for agricultural liens.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Delzer; Ekstrom; Herbel; Kaldor; Sandvig; Speaker Klein

HB 1427 passed and the title was agreed to.

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

**HB 1043:** A BILL for an Act to create and enact sections 57-39.2-03.9, 57-39.5-05, and 57-39.6-05 and chapter 57-39.7 of the North Dakota Century Code, relating to application of sales taxes to tobacco products, use taxes and credits for storage, use, or consumption in this state of farm machinery or alcoholic beverages, and a lodging gross receipts tax; to amend and reenact subsection 2 of section 11-09.1-05, sections 40-05.1-06, 57-01-02.1, and 57-39.2-01, subdivision h of subsection 1 of section 57-39.2-02.1, subsection 26 of section 57-39.2-04, subdivision d of subsection 2 of section 57-39.2-04.1, section 57-39.2-26.1, subsection 8 of section 57-39.4-16, section 57-40.2-01, subsection 2 of section 57-40.2-02.1, and sections 57-40.2-03.2, 57-40.2-04, and 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax amendments to conform with the provisions of the Streamlined Sales Tax Act; to repeal section 57-39.2-03.8 and subsection 33 of section 57-39.2-04 of the North Dakota Century Code, relating to elimination of provisions in conflict with the Streamlined Sales Tax Act; to provide an effective date; 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 59 YEAS, 29 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boucher; Carlisle; Charging; Conrad; DeKrey; Delmore; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kreidt; Kroeber; Maragos; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Onstad; Owens;

Pietsch; Porter; Potter; Price; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Vigesaa; Wall; Weiler; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Boe; Boehning; Brandenburg; Carlson; Clark; Damschen; Delzer; Dietrich; Iverson; Kasper; Kingsbury; Koppelman; Kretschmar; Martinson; Meier, L.; Nelson; Norland; Pollert; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Wald; Weisz; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Belter; Brusegaard; Ekstrom; Kaldor; Nottestad; Sandvig

Engrossed HB 1043 passed and the title was agreed to.

\*\*\*\*\*

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2150, SB 2154, SB 2239, SB 2249, SB 2280, SB 2322, SB 2363, SCR 4015.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1108, HB 1206, HB 1245, HB 1258, HB 1281, HB 1350, HB 1355, HB 1357, HB 1429, HB 1431.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1327, HB 1412.

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, February 7, 2005, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1024: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "110,000" with "145,658"

Page 2, line 4, replace "6,275,000" with "7,472,145"

Page 2, line 5, replace "6,385,000" with "7,617,803"

Page 2, after line 17, insert:

"Subdivision 7.

#### NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

ConnectND expenses	<u>\$617,520</u>
Total general fund appropriation	<u>\$617,520</u>

Page 2, line 18, replace "7" with "8"

Page 2, line 20, replace "1,250,000" with "1,668,384"

Page 2, line 21, replace "1,250,000" with "1,668,384"

Page 2, line 22, replace "10,886,142" with "13,154,849"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:



- Increases the 2003-05 deficiency appropriation for the Division of Emergency Management as follows:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
2004 fire expenditures	\$110,000	\$35,658	\$145,658
Operating expenses	<u>6,275,000</u>	<u>1,197,145</u>	<u>7,472,145</u>
Total	\$6,385,000	\$1,232,803	\$7,617,803

- Adds a 2003-05 deficiency appropriation of \$617,520 for the North Dakota University System office relating to ConnectND expenses.
- Increases the 2003-05 deficiency appropriation for the Department of Corrections and Rehabilitation by \$418,384 from \$1,250,000 to \$1,668,384.

As a result, the amendment increases total general fund deficiency appropriations for the 2003-05 biennium by \$2,268,707 from \$10,886,142 to \$13,154,849.

#### REPORT OF STANDING COMMITTEE

**HB 1033: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1058: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of game and fish laws, rules, and proclamations.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the game and fish laws, rules, and proclamations, with the objective of establishing which laws, rules, and proclamations should most appropriately be addressed by the legislative assembly, administrative rulemaking, or gubernatorial proclamations and determining whether an abbreviated administrative rulemaking process could be developed for administrative rulemaking to fit the special circumstances of game and fish issues under the jurisdiction of the game and fish department. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1154: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-27-04, 15.1-27-06, 15.1-27-07, 15.1-27-15, and 15.1-27-39 of the North Dakota Century Code and section 38 of chapter 667 of the 2003 Session Laws, relating to per student payments and weighting factors and teacher compensation; to provide for the distribution of transportation grants; to provide for contingent payments; and to provide an appropriation.

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

**SECTION 1. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-04. Per student payment.** The per student payment to which each school district is entitled for the first year of the biennium is two thousand ~~five~~ seven hundred ~~nine~~ twenty-six dollars. The per student payment to which each school district is entitled for the second year of the biennium is two thousand ~~six~~ eight hundred ~~twenty-three~~ twenty-six dollars. The per student amount is the basis for calculating state payments to school districts, as provided in sections 15.1-27-06 and 15.1-27-07.

**SECTION 2. AMENDMENT.** Section 15.1-27-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-06. Per student payments - Weighting factors - High school students.** The superintendent of public instruction shall make payments each year, as provided for in this section, to each school district operating a high school and to each school district contracting to educate high school students in a federal school, subject to adjustment as provided in section 15.1-27-21.

1. Each district having under ~~seventy-five~~ one hundred twenty students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor ~~4.625~~ adjusted by eighty five percent of the difference between 1.625 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction.~~
2. Each district having at least ~~seventy-five~~ one hundred twenty but fewer than ~~one~~ three hundred fifty students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor ~~1.335~~ adjusted by eighty five percent of the difference between 1.335 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction.~~
3. Each district having at least ~~one~~ three hundred fifty but fewer than ~~five hundred fifty~~ students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor ~~1.24~~ adjusted by eighty five percent of the difference between 1.24 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction.~~
4. Each district having at least ~~five hundred fifty~~ students in average daily membership in grades nine through twelve is entitled to receive the amount of money that results from multiplying the factor ~~1.14~~ adjusted by eighty five percent of the difference between 1.14 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in grades nine through twelve who are registered in that district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction.~~
5. 4. Each district having an approved alternative high school education program is entitled to receive the amount of money that results from multiplying the factor in:

- a. Subsection 1 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if fewer than ~~seventy-five~~ one hundred twenty students in average daily membership are enrolled in the alternative education program.
  - b. Subsection 2 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if at least ~~seventy-five~~ one hundred twenty but fewer than ~~one~~ three hundred ~~fifty~~ students in average daily membership are enrolled in the alternative education program.
  - c. Subsection 3 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if at least ~~one~~ three hundred ~~fifty~~ but fewer than ~~five hundred fifty~~ students in average daily membership are enrolled in the alternative education program.
  - d. ~~Subsection 4 by the number of students registered in the alternative education program, times the per student payment provided for in section 15.1-27-04, if at least five hundred fifty students in average daily membership are enrolled in the alternative education program.~~
- 6- 5. In order to be eligible for enumeration under this section, a student:
- a. Must have completed the work of the eighth grade;
  - b. Must not have completed the work of the twelfth grade; and
  - c. Must be a resident of this state or a nonresident attending a school in this state under the auspices of a foreign student exchange program.
6. In calculating payments under this section and subsections 1 through 4 of section 15.1-27-07, the superintendent of public instruction shall use 1.0 as the factor that represents the lowest five-year average cost of education among all elementary and high school weighting categories other than kindergarten and shall use proportionately increased factors to represent the five-year average cost of education in all remaining weighting categories except kindergarten.

**SECTION 3. AMENDMENT.** Section 15.1-27-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-07. Per student payments - Weighting factors - Elementary school students.** The superintendent of public instruction shall make payments each year, as provided for in this section, to each school district operating an elementary school and to each school district contracting to educate elementary students in a federal school, subject to adjustment as provided in section 15.1-27-21.

- ~~4. a.~~ Each district having only a one-room rural school is entitled to receive the amount of money that results from multiplying the factor 1.28 adjusted by eighty five percent of the difference between 1.28 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through eight in that school, times the per student payment provided for in section 15.1-27-04. Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction. The payment level provided for in this subdivision is applicable only to the first sixteen students.
- b. If the one-room rural school has more than sixteen students in average daily membership in grades one through eight, the district in which the school is located is entitled to receive ninety percent of the per student payment provided for in section 15.1-27-04 for each additional student. The district is not entitled to any payment for more than twenty students in average daily membership.

- e. ~~If a one-room rural school is located in a district having another elementary school, the weighting factor for the students in grades one through six must be based on the average daily membership in the district in grades one through six, as provided in this section.~~
- d. ~~If a one-room rural school is located in a school district with another school that has students in grade seven or eight, the weighting factor for the students in grade seven or eight must be the same as that provided for in subsection 5.~~
2. 1. ~~Except as provided in subsection 1, each~~ Each school district having fewer than one hundred students in average daily membership in grades one through six is entitled to receive the amount of money that results from multiplying the factor 1.09 adjusted by eighty five percent of the difference between 1.09 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through six in the district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction. The payment provided for in this subsection is applicable only to the first twenty five students in average daily membership per classroom or per teacher.~~
3. 2. ~~Each school district having at least one hundred students but fewer than one thousand students in average daily membership in grades one through six is entitled to receive the amount of money that results from multiplying the factor .905 adjusted by eighty five percent of the difference between .905 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through six in the district, times the per student payment provided for in section 15.1-27-04. Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction. The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher.~~
4. ~~Each school district having at least one thousand students in average daily membership in grades one through six is entitled to receive the amount of money that results from multiplying the factor .95 adjusted by eighty five percent of the difference between .95 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades one through six in the district, times the per student payment provided for in section 15.1-27-04. Beginning July 1, 2004, the factor is that which represents the five-year average cost of the education per student in this category, as determined by the superintendent of public instruction. The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher.~~
5. 3. ~~Each school district having students in grades seven and eight is entitled to receive the amount of money that results from multiplying the factor 1.01 adjusted by eighty five percent of the difference between 1.01 and the factor representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of students in average daily membership in grades seven and eight in the district, times the per student payment provided for in section 15.1-27-04. Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction. The payment provided for in this subsection is applicable only to the first thirty students in average daily membership per classroom or per teacher. The payments provided for in this subsection are not available for students who attend a one-room rural school if that school is the only one in the district that offers educational services to students in grades seven and eight.~~

6. 4. Each school district having a special education program approved by the director of special education is entitled to receive, for each student who is enrolled in the program and who is at least three years of age but less than the compulsory age for school attendance, the amount of money that results from multiplying the factor ~~1.01 adjusted by eighty five percent of the difference between 1.01 and the factor~~ representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of special education students in average daily membership in the program who are at least three years of age but less than the compulsory age for school attendance, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five year average cost of education per student in this category, as determined by the superintendent of public instruction.~~
7. 5. a. Each school district operating a kindergarten as provided for in section 15.1-22-02 is entitled to receive the amount of money that results from multiplying the factor ~~.50 adjusted by eighty five percent of the difference between .50 and the factor~~ representing the five-year average cost of education per student for this category, as determined by the superintendent of public instruction, by the number of kindergarten students in average daily membership in the district, times the per student payment provided for in section 15.1-27-04. ~~Beginning July 1, 2004, the factor is that which represents the five-year average cost of education per student in this category, as determined by the superintendent of public instruction.~~ The payment provided for in this subsection is applicable only to the first twenty-five students in average daily membership per classroom or per teacher.
- b. In order to receive the full per student payment available under this section, a district must operate a kindergarten program that provides the equivalent of ninety full days of classroom instruction during a twelve-month period. A district is entitled to a prorated payment under this section if it operates a kindergarten program of shorter duration.
8. 6. Each school district that educates students who are also enrolled in nonpublic schools is entitled to receive proportionate payments under this section.
9. 7. Each school district is entitled to receive as much in total payments for elementary students as it would have received if it had the highest number of students in the next lower category.
10. 8. A school district is not entitled to any payments provided for by this chapter unless each teacher employed by the district:
- a. Holds a teaching license issued by the education standards and practices board; or
- b. Has been approved to teach by the education standards and practices board.
9. In calculating payments under subsections 1 through 4 and under section 15.1-27-06, the superintendent of public instruction shall use 1.0 as the factor that represents the lowest five-year average cost of education among the elementary and high school weighting categories other than kindergarten and shall use proportionately increased factors to represent the five-year average cost of education in all remaining weighting categories except kindergarten.

**SECTION 4. AMENDMENT.** Section 15.1-27-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-15. Per student payments - Isolated schools.**

1. If an elementary school has fewer than fifty students and fifteen percent or more of its students would have to travel beyond a fifteen-mile [24.15-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15.1-27-07 must be increased by ~~twenty~~ twenty-five percent ~~for the first fifteen students~~. If the

school has fewer than fifteen students, the payment received must be for fifteen students.

2. If a high school has fewer than thirty-five students and fifteen percent or more of its students would have to travel beyond a twenty-mile [32.2-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15.1-27-06 must be increased by ~~twenty~~ twenty-five percent ~~for the first twenty students~~. If the school has fewer than twenty students, the payment received must be for twenty students.

**SECTION 5. AMENDMENT.** Section 15.1-27-39 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-39. Annual salary - Minimum amount.**

1. Beginning with the ~~2003-04~~ 2005-06 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a minimum salary level for the contract period equal to at least ~~twenty-one~~ twenty-two thousand dollars.
2. Beginning with the ~~2004-05~~ 2006-07 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a minimum salary level for the contract period equal to at least ~~twenty-one~~ twenty-two thousand five hundred dollars.

**SECTION 6. AMENDMENT.** Section 38 of chapter 667 of the 2003 Session Laws is amended and reenacted as follows:

**SECTION 38. TEACHER COMPENSATION.**

1. During the ~~2003-05~~ 2005-07 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new moneys received for per student payments under section 15.1-27-04 and tuition apportionment payments under section 15.1-28-03 for the purpose of increasing the compensation paid to teachers and for the purpose of providing compensation to teachers who begin employment with the district ~~on or after July 1, 2003~~ June 30, 2005.
2. For purposes of this section, "new moneys" means any increase in the amount received by a district for per student payments under section 15.1-27-04 and tuition apportionment payments under section 15.1-28-03 between the ~~2001-03~~ 2003-05 biennium and the ~~2003-05~~ 2005-07 biennium.
3. For purposes of this section, school districts providing educational services under a cooperative agreement approved by the superintendent of public instruction are treated as a single district.
4.
  - a. The provisions of this section do not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of its members that complying with the provisions of subsection 1 would place the school district in the position of having insufficient fiscal resources to meet its other obligations.
  - b. Within ten days of the vote required by subdivision a, the board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.
  - c. The superintendent of public instruction shall report all notices received under this subsection to an interim committee designated by the legislative council.

**SECTION 7. TRANSPORTATION GRANTS - DISTRIBUTION.**

1. The superintendent of public instruction shall distribute from the grants - state school aid line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, to each school district in the state an

amount equal to fifty percent of the state transportation block grants received by the school district during the 2003-05 biennium.

2. The superintendent of public instruction shall distribute from the grants - state school aid line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, an amount equal to fifty percent of the total state transportation block grants received by all school districts during the 2003-05 biennium. The superintendent shall distribute the amount in the same manner that per student payments are distributed under chapter 15.1-27.
3. During each year of the 2005-07 biennium, the superintendent of public instruction shall distribute fifty percent of the payments required by subsections 1 and 2 to school districts at the same time and in the same manner as required for state aid payments under section 15.1-27-01.

**SECTION 8. CONTINGENT PAYMENTS - REORGANIZATION BONUS - ENGLISH LANGUAGE LEARNERS.** If any moneys appropriated for per student payments and transportation payments in the grants-state school aid line item contained in House Bill No. 1013 remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2005, and ending June 30, 2007, the superintendent of public instruction shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$600,000 for the purpose of providing reorganization bonuses, pursuant to section 15.1-12-11.1, to the school districts having reorganizations effective after June 30, 2005, and before July 1, 2007, and for the purpose of providing reorganization bonus advanced payments, pursuant to section 15.1-12-11.2, to school districts studying reorganization during the biennium beginning July 1, 2005, and ending June 30, 2007. If insufficient moneys exist to fully meet the requirements of this section, the superintendent of public instruction shall prorate the payments according to that percentage of the amount available to which a school district is entitled. Any money distributed under this section is in addition to any money otherwise appropriated by the legislative assembly for the purpose of reorganization bonuses.
2. The superintendent of public instruction shall use the next \$600,000 of the moneys to provide additional payments to school districts serving English language learners, in accordance with section 15.1-27-12.
3. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis, according to the average daily membership of each school district during the 2006-07 school year.

**SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$30,000, or so much of the sum as may be necessary, to to the superintendent of public instruction for the purpose of contracting to provide transportation efficiency training to school district personnel, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1189: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 1, after "20.1-02-05" insert "and a new section to chapter 20.1-02"

Page 1, line 9, replace "matched equally" with "supplemented"

Page 1, after line 11, insert:

**"SECTION 2.** A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

**Private land access program - Guidelines.**

1. In the implementation of the private land access program provided for under section 1 of this Act, the department shall develop hunter-access partnerships with communities under the following guidelines:
  - a. Use current department hunter-access improvement programs, agreements, and payment rates.
  - b. Pay one hundred percent of the standard program payment.
  - c. Hunter-access tracts obtained through community partnerships must meet minimum department habitat criteria and standards.
  - d. Land must be open to public access and posted as open by the department and may include information identifying the community partner.
  - e. Land must be identified in the annual private land open to sportsmen guide.
  - f. Local communities may decide if the land is open to nonresidents during normally closed times.
2. The community shall offer additional incentive payments based on the community's negotiations with potential landowner cooperators to attract and influence additional interest and signups in areas selected by the community."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1242: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1256: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING). HB 1256 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1282: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 8, after the underscored comma insert "including the agriculture commodity groups and state fair association. The higher education institutions shall provide summary information in the same manner as presented to the fifty-ninth legislative assembly."

Page 1, line 9, replace "including" with "The report must include"

Page 1, line 10, after the first underscored comma insert "when the authority was provided."

Page 1, line 12, after "biennium" insert ", including expenditures for and number of employee positions and an explanation of any negative fund balances"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1301: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

Page 1, line 8, after "on" insert "outstanding bonds and on" and replace "evidences of indebtedness" with "bonds"



Page 1, line 11, after "terms" insert ", the responsibility of the state to repay the bonds"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1308: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1308 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "establish a renewable energy commission and trust fund; to"

Page 1, line 2, after "enact" insert "a new section to chapter 4-14.1," and after "54-44.4" insert a comma

Page 1, line 3, after "to" insert "duties of the agricultural products utilization commission," and after "energy" insert a comma

Page 1, remove lines 7 through 24

Page 2, replace lines 1 through 11 with:

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

**Agricultural products utilization commission - Duties.** The agricultural products utilization commission shall:"

Page 2, line 21, replace the second "renewable energy" with "agricultural products utilization"

Page 2, line 27, after "shall" insert "attempt to"

Page 2, line 31, replace "requirement" with "goal"

Page 3, line 3, after the period insert "The office of management and budget and any state agency or institution purchasing electricity shall report to the agricultural products utilization commission the efforts of the office of management and budget or the state agency to comply with this section."

Page 3, line 6, after "shall" insert "attempt to"

Page 3, line 8, replace "must" with "should, but are not required to,"

Page 3, line 9, replace "must" with "should, but are not required to,"

Page 3, line 10, after the period insert "The office of management and budget and any state agency or institution purchasing motor vehicles and diesel-powered or gasoline-powered equipment shall report to the agricultural products utilization commission the efforts of the office of management and budget or the state agency to comply with this section."

Page 3, line 13, replace "must" with "should, but are not required to,"

Page 3, line 15, replace "must" with "should, but are not required to,"

Page 3, line 16, replace "must" with "should, but are not required to,"

Page 3, line 17, after the period insert "A state agency or institution issuing a request for proposal for construction contracts or projects under this section shall report to the agricultural products utilization commission the efforts of that agency or institution to comply with this section."

Page 3, line 30, remove "The office consists of a director and any other professional, technical, and clerical"

Page 3, remove line 31

Page 4, after line 7, insert:

**"SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the agricultural products utilization commission, to be matched in a two-to-one ratio by grants, gifts, and other funds received by the commission with each two dollars of general fund moneys being matched by one dollar of gifts, grants, or other funds, for the purpose of carrying out renewable energy projects, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 4, line 9, replace "general" with "ethanol production incentive" and replace "\$12,000,000" with "\$2,000,000"

Page 4, line 13, replace "4" with "3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1317: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1317 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 20.1-08-04 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to game and fish proclamations of the governor; and"

Page 1, line 12, remove "white-tailed" and replace "forty" with "thirty-five"

Page 1, line 13, remove "white-tailed"

Page 1, line 15, remove "white-tailed"

Page 1, remove lines 16 through 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1354: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to the state sharing in the cost of a county veterans' service officer in a county in which is located a veterans' home.

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

**SECTION 1.** A new section to chapter 37-15 of the North Dakota Century Code is created and enacted as follows:

**County veterans' service officer salary and expenses sharing for veterans' home.** In a county levying the maximum allowable amount for a county veterans' service officer's salary and expenses under subsection 18 of section 57-15-06.7 and in which is located a veterans' home under the jurisdiction of the administrative committee on veterans' affairs, the administrative committee on veterans' affairs shall pay from funds available to the veterans' home up to one-half of the cost of the county veterans' service officer's salary and expenses, but not in an amount exceeding fifteen thousand dollars per year."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1366: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1366 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1378: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1379: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1381: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (8 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). HB 1381 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1384: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1384 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1389: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 2, after "formulas" insert "; and to provide an expiration date"

Page 1, line 19, after the overstruck period insert "Breakage must be paid to the North Dakota racing commission to be deposited in the promotion fund."

Page 2, line 31, replace "In lieu of breakage, one-fourth" with "For wagering handle in excess of eleven million dollars in each biennium, breakage must be divided, one-third to the North Dakota racing commission to be deposited in the promotion fund, one-third to the charity operating the site where the wagers are placed, and one-third to the service provider."

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

Page 3, remove lines 1 through 4

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1390: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1390 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 53-06.2-11 of the North Dakota Century Code, relating to transmissions of historic previously run horse and dog races; and to"

Page 1, after line 8, insert:

**"SECTION 2.** A new subsection to section 53-06.2-11 of the North Dakota Century Code is created and enacted as follows:

For each transmission of historic previously run horse and dog races in this state on win, place, and show parimutuel pools, the licensee shall deduct up to twenty percent of the total win, place, and show pool. One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota purse fund, one-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota

breeders' fund for the respective breed of horses racing at that meet, one-half of one percent must be paid to the North Dakota racing commission to be used for the racing promotion fund; and one percent must be paid to the state treasurer to be deposited in the general fund."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1395: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1395 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1402, as amended, Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1402, as amended, was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subsection 1 of section 20.1-03-07," and after "20.1-03-12" insert a comma

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 20.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

1. Hunt, catch, take, or kill any small game without a nonresident small game license. The nonresident small game license entitles the nonresident to hunt small game for any period of ten consecutive days or any two periods of five consecutive days each. The hunting period for which the license is valid must be designated on the license. A nonresident small game license is not required to hunt waterfowl under section 20.1-03-07.1 or wild turkeys under section 20.1-04-07. A nonresident may purchase more than one nonresident small game license per year."

Page 1, line 11, replace "sixty-five" with "eighty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1403: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1403 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1408: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1408 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "human services" with "corrections and rehabilitation"

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 50-31 of the North Dakota Century Code, relating to department of human services criteria for substance abuse programs that treat adolescents and adults;"

Page 1, line 7, replace "human services" with "corrections and rehabilitation" and replace "a" with "up to"

Page 1, line 8, remove "grant", after "in" insert "the field services line item of", replace "House" with "Senate", and replace "1012" with "2015"

Page 1, line 9, after "a" insert "licensed"

Page 1, line 12, remove "grant"

Page 1, after line 17, insert:

**"SECTION 2.** A new section to chapter 50-31 of the North Dakota Century Code is created and enacted as follows:

**Criteria for substance abuse programs that treat adolescents and adults.**

The department may not require a program that provides treatment for adolescents and adults to provide separate services for adolescents. Rules of the department may encourage a substance abuse treatment environment for adolescents which is separate physically from that for adult patients. However, rules of the department must make allowance for providing substance abuse treatment in intergenerational groups if limited resources and treatment space make substance abuse treatment in intergenerational groups a viable alternative to discontinuing services for adolescents."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1438: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "11-10.2-03" insert "and 40-01.1-02"

Page 1, remove line 2

Page 1, line 3, remove "Dakota Century Code,"

Page 1, line 16, remove the overstrike over "~~The analysis may be performed as part of a study process initiated pursuant to~~"

Page 1, remove the overstrike over line 17

Page 1, line 18, remove the overstrike over "3."

Page 2, line 14, remove the overstrike over "4." and remove "3."

Page 2, replace lines 27 and 28 with:

**"SECTION 2. AMENDMENT.** Section 40-01.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**40-01.1-02. Local advisory study committee.**

1. The governing body or electors of a county, city, city park district, township, school district, or any other political subdivision of this state may establish an advisory committee to study the existing form and powers of that political subdivision for comparison with other forms and powers available under the laws of this state. A local advisory study committee is established:
  - a. By a majority vote of the governing body; or
  - b. By a petition signed by ten percent or more of the total number of qualified electors of the political subdivision voting for governor at the most recent gubernatorial election and submitted to the governing body.
2. Notwithstanding subsection 1, ~~an election on the question of establishing a five-member advisory study committee for a county or city must be held at the next regular election in the county or city placed on the agenda of a regular meeting for definitive action by the governing body if five years have elapsed since the latter of:~~
  - a. ~~August 1, 1993;~~
  - b. The date of the most recent ~~election held~~governing board action on the question of establishing an advisory study committee pursuant to this subsection; or
  - e- b. The date of issue of a written report prepared for a comprehensive study and analysis of the cooperative and restructuring options available to the county or city conducted by the governing body, an advisory study committee established pursuant to this section, a home

rule charter commission, or through another study process for which a written report was prepared.

3. ~~The question of establishing an advisory study committee pursuant to subsection 2 requires an affirmative vote of a majority of those voting on the question for passage.~~
4. The governing body shall appoint the members of the advisory study committee and set the duration of the committee. The members are not entitled to receive compensation, but may receive actual and necessary expenses incurred in the performance of official duties as determined by the governing body.
5. 4. The governing body may provide office and meeting space and legal, clerical, facilitation, training, and other assistance to the study committee, and may appropriate funds in its final budget, or expend any unexpended balances in its general fund otherwise designated for current expenditure, for the necessary expenses of the advisory study committee. The committee, with the approval of the governing body, may:
  - a. Employ and fix the compensation and duties of necessary staff;
  - b. Contract and cooperate with other individuals and public or private agencies considered necessary for assistance, including institutions of higher education;
  - c. Establish advisory subcommittees that may include persons who are not members of the study committee;
  - d. Hold public hearings and community forums and use other suitable means to disseminate information, receive suggestions and comments, and encourage public discussion of the committee's purpose, progress, conclusions, and recommendations;
  - e. Cooperate with a like committee established pursuant to this section by another political subdivision in the conduct of the study. A cooperative study does not preclude a study committee from making separate recommendations to the governing body; and
  - f. Do any other act consistent with and reasonably required to perform its advisory function."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1449: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1449 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 2 of section 11-11-35 and"

Page 1, remove lines 5 through 18

Page 1, line 22, remove the overstrike over "sixty percent" and remove "a"

Page 1, line 23, remove "majority"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1450: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "subsection" with "subsections", after "1" insert "and 7", and replace the second "and" with a comma

Page 1, line 2, after "39-06-19" insert ", and subsection 1 of section 39-06.2-08"

Page 1, line 4, replace "Subsection" with "Subsections" and after "1" insert "and 7"

Page 1, line 5, replace "is" with "are"

Page 2, after line 5, insert:

- "7. The director may issue a motorized bicycle operator's permit to an applicant who is at least fourteen years of age. To obtain a permit, the applicant shall pay a fee of ~~ten~~ twenty dollars and take a written examination of the applicant's knowledge of traffic laws and general rules of the road. If the applicant passes the written examination and the director is satisfied that the applicant has adequate eyesight, the director may issue the applicant a motorized bicycle operator's permit, even if the applicant does not have an operator's license. The permit expires in the same manner as an operator's license. A person who has an operator's license, a temporary permit, an instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle operator's permit."

Page 2, line 8, overstrike "or replacement"

Page 2, after line 8, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
  - a. The full name and current mailing address of the person;
  - b. A physical description of the person, including sex, height, weight, and eye and hair color;
  - c. Date of birth;
  - d. The applicant's social security number;
  - e. The person's signature;
  - f. The certifications including those required by 49 CFR part 383.71(a);
  - g. Any other information required by the director; and
  - h. A consent to release driving record information.

The application must be accompanied by an application fee of ~~offiteen~~ twenty dollars."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1454: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (6 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). HB 1454 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1456: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1456 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1458: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1458 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 6, replace "A" with "Two", replace "section" with "sections", and replace "is" with "are"

Page 1, after line 7, insert:

"Special economic development transportation fund committee. The special economic development transportation fund committee consists of one member of the senate and one member of the house of representatives appointed by the chairman of the legislative council; the director of the department of commerce; the director of the department of transportation; a representative of the North Dakota league of cities; and a representative of the North Dakota association of counties. The director of the department of transportation is chairman of the committee. The department of transportation shall solicit projects that qualify for grants from the special economic development transportation fund. If the total cost of the projects submitted to the department is greater than fifty percent of the funds available from the fund, the chairman may call a meeting of the committee at which the committee shall recommend projects for selection."

Page 1, line 19, replace "Two" with "Five" and remove "five hundred thousand"

Page 2, line 5, after the underscored period insert "The director may use a portion of the fund for improvements to high-priority corridors on the city and county systems that have been identified as a result of the cooperative planning effort between the department, counties, and cities within each department district that results in the state highway performance classification system."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1459: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance program management; to provide for a report;"

Page 1, line 3, after "appropriation" insert "; and to declare an emergency"

Page 1, after line 16, insert:

**"SECTION 2.** A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

**Medical assistance program management.** The department of human services, with respect to the state medical assistance program, shall:

1. Provide statewide targeted case management services for neonates and the two thousand medical assistance recipients with the highest cost for treatment of chronic diseases. Case management services must focus on those recipients in these groups which will result in the most cost-savings, taking into consideration available resources, and may include a primary pharmacy component for the management of medical assistance recipient medication.
2. Require medical assistance providers to use the appropriate diagnostic or reason and procedure codes when submitting claims for medical assistance reimbursement. The department may exempt qualified service providers and providers of institutional care services from this requirement.
3. Review and develop recommendations for the improvement of mental health treatment and services including the use of prescription drugs for medical assistance recipients.
4. Review and develop recommendations regarding whether the number of medical assistance recipients who are placed in out-of-state nursing homes should be reduced.



5. Review and develop recommendations regarding whether the use of post-office addresses or street addresses are the appropriate mailing addresses for medical assistance recipients.
6. Review and develop recommendations regarding whether to require medical assistance providers to secure prior authorization for certain high-cost medical procedures.
7. Review and develop recommendations regarding whether a system for providing and requiring the use of photo identification medical assistance cards for all medical assistance recipients should be implemented.
8. Review and develop recommendations regarding whether medical assistance providers should be required to use tamper-resistant prescription pads.
9. Develop a plan to provide information to blind and disabled medical assistance recipients who may be eligible for part D benefits under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1]. The information must inform recipients of part D benefits for which the recipient may be eligible.
10. Review and recommend a plan for implementing the necessary infrastructure to permit risk-sharing arrangements between the department and medical assistance providers.

**SECTION 3. REPORT TO LEGISLATIVE COUNCIL.** During the 2005-06 interim, the department of human services shall report to the legislative council regarding the development of recommendations required in section 2 of this Act."

Page 1, after line 23, insert:

**"SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1461: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1461 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "adjusted gross proceeds of"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1465: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 2, after "program" insert "; to provide for a report; to provide an appropriation; and to declare an emergency"

Page 1, replace lines 6 through 24 with:

**"Medical assistance and medicare prescription drug management program.** The department of human services, with respect to the state medical assistance program, shall develop a plan for the implementation of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1]. The department may purchase the services of an outside consultant to assist in the development of the plan. The requirements of chapter 54-44.4 do not apply to the purchase of the consultant services. The department may not pay for:

1. A prescription drug that is within a class of drugs covered under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003

[Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1] and which is prescribed to a medical assistance recipient who is also a medicare beneficiary.

2. A prescription drug that is not covered and for which no drug in its class is covered under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1] and which is prescribed for an individual who is a medical assistance recipient and a medicare beneficiary unless federal medical assistance matching funds are available at no less than the federal medical assistance percentage and the department determines that the drug is medically necessary for the individual.
3. A prescription drug for which federal medical assistance matching funds are not available except that until February 15, 2006, the department may pay for the drug in an emergency to ensure that a medical assistance recipient who is also a medicare beneficiary may continue to receive appropriate medications after implementation of the medicare Prescription Drug, Improvement, and Modernization Act of 2003 [Pub. L. 108-173; 117 Stat. 2066; 42 U.S.C. 1396kk-1]. The department may seek a deficiency appropriation if necessary to cover the cost of payment for drugs provided under this subsection.

**SECTION 2. REPORT TO LEGISLATIVE COUNCIL.** During the 2005-06 interim, the department of human services shall report to the legislative council regarding the department's progress in developing and implementing the plan provided for in section 1 of this Act.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human services for the purpose of supplementing other appropriations provided for the medical assistance program to defray the expenses associated with developing and implementing the plan described in section 1 of this Act for the biennium beginning July 1, 2005, and ending June 30, 2007.

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

Page 2, remove lines 1 through 3

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1470: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1470 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "who is"

Page 2, line 6, remove "appointed by the executive director of the department" and overstrike "from a list of"

Page 2, line 7, overstrike "nominees provided" and replace "to the executive director" with "appointed"

Page 2, line 30, replace "The" with "Except for quantity limits that may be no less than the pharmaceutical manufacturer's package insert and an AB-rated generic equivalent drug for which the cost to the state postrebate is less than the brand name drug, the"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1482: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "resolution of"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1487: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1487 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1489: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and a grade-level equivalent"

Page 1, line 14, remove "and"

Page 1, line 15, replace "noncontiguous school districts of similar size" with "the state; and

5. At the same grade level of the most current national assessment of education progress"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1500: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1500 was placed on the Sixth order on the calendar.

Page 1, line 1, after "fraud" insert "; and to provide a penalty"

Page 1, line 3, after "**agencies**" insert "**- Enforcement - Penalty**"

Page 1, line 6, replace "police" with "identity" and after the first comma insert "as defined by that Act,"

Page 1, line 7, replace "thirty" with "four business"

Page 1, line 9, after the first "of" insert "identify theft defined by that Act, or"

Page 1, line 10, replace "a police report" with "an identity theft report, as defined by that Act,"

Page 1, line 13, after "information" insert a comma and remove ", in the exercise of good faith and judgment,"

Page 1, line 14, replace "believes" with "reasonably determines"

Page 1, line 15, replace "due to a misrepresentation of a material fact by" with "in error or a block was requested by the consumer in error;"

Page 1, remove line 16

Page 1, line 17, replace "due to fraud, in which the consumer participated" with "or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request or block; or"

Page 1, remove lines 18 and 19

Page 1, line 20, replace "agrees that portions of the blocked information or all of it were" with "obtained possession of money or goods, services, or money as a result of the blocked transaction or transactions."

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 4

Page 2, line 5, replace "blocked" with "a block of" and replace "unblocked pursuant to" with "declined or rescinded under"

Page 2, line 9, replace "The prior presence of the blocked information in the" with "If a consumer reporting agency rescinds a block, the presence of information in the file of a consumer before the blocking of the information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block."

Page 2, remove lines 10 through 21

Page 2, line 22, replace "5." with "4."

Page 2, line 24, replace "a violation of this section" with "identity theft as defined by the Fair Credit Reporting Act [Pub. L. 90-321; 84 Stat. 1127; 15 U.S.C. 1681 et seq.]"

Page 2, line 25, replace "6." with "5."

Page 3, after line 10, insert:

"6. Except as otherwise prohibited by the Fair Credit Reporting Act [Pub. L. 90-321; 84 Stat. 1127; 15 U.S.C. 1681 et seq.], a violation of this section is a violation of chapter 51-15. The attorney general may enforce violations of this section. The attorney general, in enforcing this section, may seek all remedies and penalties in chapter 51-15. The remedies, duties, prohibitions, and penalties of this section and chapter 51-15 are not exclusive and are in addition to all other causes of action otherwise provided by law."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1503: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "**and excise**"

Page 1, line 22, remove "total"

Page 2, line 4, remove "and excise"

Page 2, line 7, remove "and excise"

Page 2, line 8, remove "and excise"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1508: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1508 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1512: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1512 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 15.1-27-04.1, a new subsection to section 57-38-30.3, a new subsection to section 57-39.2-02.1, and a new subsection to section 57-40.2-02.1 of the North Dakota Century Code, relating to school district cost factors, sales and use taxes and income taxes; to amend and reenact sections 15.1-09-47, 15.1-23-19, 15.1-27-08, 15.1-27-09, 15.1-27-18, 15.1-27-20, 15.1-29-12, 15.1-31-03, 15.1-31-07, 15.1-32-14, 57-15-01.1, 57-15-14, 57-35.3-03, 57-38-29, 57-38-30, and 57-38-55, subsection 3 of section 57-38.4-02, and sections 57-39.2-26, 57-39.5-02, 57-39.6-02, and 57-40.3-02 of the North Dakota Century Code, relating to the distribution of per student payments, school district property tax levies, financial institutions taxes, corporate and individual income taxes, and sales, use, and motor vehicle excise taxes; to provide hold harmless payments; to repeal sections 15.1-07-28, 15.1-12-11.1, 15.1-12-11.2, 15.1-27-04,

15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-10, 15.1-27-11, 15.1-27-12, 15.1-27-14, 15.1-27-15, 15.1-27-16, 15.1-27-17, 15.1-27-19, 15.1-27-21, 15.1-27-32, 15.1-27-33, 15.1-27-36, 15.1-27-37, 15.1-27-38, 15.1-27-40, and 15.1-28-03 of the North Dakota Century Code, relating to state aid payments to school districts, reorganization bonuses, joint powers association payments, the school district equalization factor, and supplemental payments; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 15.1-09-47 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-47. Board of education of city of Fargo - Taxing authority.**

1. The board of education of the city of Fargo may levy taxes, as necessary for any of the following purposes:
  - a. To purchase, exchange, lease, or improve sites for schools.
  - b. To build, purchase, lease, enlarge, alter, improve, and repair schools and their appurtenances.
  - c. To procure, exchange, improve, and repair school apparatus, books, furniture, and appendages, but not the furnishing of textbooks to any student whose parent is unable to furnish the same.
  - d. To provide fuel.
  - e. To defray the contingent expenses of the board, including the compensation of employees.
  - f. To pay teacher salaries after the application of public moneys, which may by law be appropriated and provided for that purpose.
2. ~~The question of authorizing or discontinuing the unlimited taxing authority of the board of education of the city of Fargo must be submitted to the qualified electors of the Fargo school district at the next regular election upon resolution of the board of education or upon filing with the board a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the individuals enumerated in the most recent school district census. However, if the electors approve a discontinuation of the unlimited taxing authority, their approval of the discontinuation may not affect the tax levy effective for the calendar year in which the election is held. In addition, the minimum levy may not be less than the levy that was in force at the time of the election. The board may increase determine its levylimitations for general fund purposes in accordance with section 57-15-01. If the district experiences growing enrollment, the board may increase the levy by an amount equal to the amount levied the preceding year per student times the number of additional students enrolled during the new year 57-15-14.~~

**SECTION 2. AMENDMENT.** Section 15.1-23-19 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-19. Home education - State aid to school districts.** For purposes of allocating state aid to school districts, a child receiving home education is deemed enrolled in the child's school district of residence if the child is monitored by an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and employed by the public school district in which the child resides. A school district is entitled to fifty percent of the per student payment provided in section 15.1-27-04 times the appropriate cost factor in section 15.1-27-06 or 15.1-27-07 for each child receiving home education. If a child receiving home education is enrolled in public school classes, proportionate payments must be made. The total amount may not exceed the equivalent of one full per student base payment times the appropriate weighting cost factor.

**SECTION 3.** Section 15.1-27-04.1 of the North Dakota Century Code is created and enacted as follows:

15.1-27-04.1. School district categories - Cost factors - Payment.

1. In order to determine state aid to education, the superintendent of public instruction shall recognize the following categories of school districts:
  - a. Category 1 school districts are elementary districts having fewer than one hundred students in average daily membership;
  - b. Category 2 school districts are elementary districts having at least one hundred students in average daily membership;
  - c. Category 3 school districts are high school districts having fewer than one hundred fifty students in average daily membership;
  - d. Category 4 school districts are high school districts having one hundred fifty to two hundred seventy-five students in average daily membership;
  - e. Category 5 school districts are high school districts having two hundred seventy-six to two thousand eight hundred students in average daily membership; and
  - f. Category 6 school districts are high school districts having more than two thousand eight hundred students in average daily membership.
  
2. In order to determine per student payments, the superintendent of public instruction shall assign base cost factors as follows:

a. <u>Category 1 school districts:</u>	<u>1.93</u>
b. <u>Category 2 school districts:</u>	<u>1.29</u>
c. <u>Category 3 school districts:</u>	<u>1.65</u>
d. <u>Category 4 school districts:</u>	<u>1.08</u>
e. <u>Category 5 school districts:</u>	<u>1.00</u>
f. <u>Category 6 school districts:</u>	<u>1.11</u>
  
3. In order to determine additional payments for students who are mildly disabled, the superintendent of public instruction shall assign cost factors as follows:

a. <u>Category 1 school districts:</u>	<u>0.52</u>
b. <u>Category 2 school districts:</u>	<u>0.82</u>
c. <u>Category 3 school districts:</u>	<u>0.65</u>
d. <u>Category 4 school districts:</u>	<u>0.91</u>
e. <u>Category 5 school districts:</u>	<u>1.08</u>
f. <u>Category 6 school districts:</u>	<u>0.71</u>
  
4. In order to determine additional payments for students who are moderately disabled, the superintendent of public instruction shall assign cost factors as follows:

a. <u>Category 1 school districts:</u>	<u>0.49</u>
b. <u>Category 2 school districts:</u>	<u>0.79</u>
c. <u>Category 3 school districts:</u>	<u>0.62</u>
d. <u>Category 4 school districts:</u>	<u>0.93</u>
e. <u>Category 5 school districts:</u>	<u>3.08</u>

- f. Category 6 school districts: 2.12
5. In order to determine additional payments for students who are severely disabled, the superintendent of public instruction shall assign cost factors as follows:
- a. Category 1 school districts: 0.98
- b. Category 2 school districts: 1.70
- c. Category 3 school districts: 1.30
- d. Category 4 school districts: 2.02
- e. Category 5 school districts: 6.00
- f. Category 6 school districts: 4.99
6. In order to determine additional payments for students who are at-risk, the superintendent of public instruction shall assign cost factors as follows:
- a. Category 1 school districts: 0.18
- b. Category 2 school districts: 0.30
- c. Category 3 school districts: 0.25
- d. Category 4 school districts: 0.31
- e. Category 5 school districts: 0.37
- f. Category 6 school districts: 0.41
7. In order to determine additional payments for students who are English language learners, the superintendent of public instruction shall assign cost factors as follows:
- a. Category 1 school districts: 0.40
- b. Category 2 school districts: 0.40
- c. Category 3 school districts: 0.40
- d. Category 4 school districts: 0.41
- e. Category 5 school districts: 0.76
- f. Category 6 school districts: 0.91

**SECTION 4. AMENDMENT.** Section 15.1-27-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-08. Per student payments - Unaccredited high schools.**

1. If a school district operates an unaccredited high school ~~becomes unaccredited~~, the per student payment to which the school district is entitled ~~during the first year in which the high school is unaccredited~~ is the amount ~~established~~ determined by using the base cost factor in ~~section 15.1-27-04 subsection 2 of section 15.1-27-04.1~~. The school district is not entitled to the amount that results from applying the ~~weighting cost~~ factors provided in ~~subsections 3 through 7 of section 15.1-27-06~~ 15.1-27-04.1.
2. In each successive year, the ~~per student~~ payment to which the school district is entitled for each student in the unaccredited high school must be reduced by an additional two hundred dollars. If a school regains its accreditation, the school district is entitled to the per student payments provided for accredited schools for the entire school year in which the school becomes accredited.

**SECTION 5. AMENDMENT.** Section 15.1-27-09 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-09. Per student payments - Unaccredited elementary schools.**

1. If a school district operates an unaccredited elementary school, the per student payment to which the school district is entitled ~~during the first year in which the elementary school is unaccredited~~ is the amount ~~established in section 15.1-27-04~~ determined by using the base cost factor in subsection 2 of section 15.1-27-04.1. The school district ~~is not~~ entitled to the amount that results from applying the ~~weighting~~ cost factors provided in ~~subsections 3 through 7 of section 15.1-27-07~~ 15.1-27-04.1.
2. In each successive year, the ~~per student~~ payment to which the school district is entitled for each student in the unaccredited elementary school must be reduced by an additional two hundred dollars. If a school regains its accreditation, the school district is entitled to the per student payments provided for accredited schools for the entire school year in which the school becomes accredited.

**SECTION 6. AMENDMENT.** Section 15.1-27-18 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-18. Per student payments - Eligibility - Minimum amounts.**

1. In order to be counted for the purpose of calculating per student payments, as provided for by this chapter, a high school student must be enrolled in at least four high school units. The units may include career and technical education courses offered in accordance with chapter 15-20.1 and courses that are approved by the superintendent of public instruction and offered by another high school district.
2. If a student is enrolled for graduation in a nonpublic school or if a student is taking fewer than four high school units and is enrolled in an approved alternative high school education program, the school district in which the student is enrolled is entitled to receive proportionate payments.
3. ~~Each high school district must receive at least as much in total per student payments as it would have received if it had the highest number of students in the next lower weighting category.~~

**SECTION 7. AMENDMENT.** Section 15.1-27-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-20. Per student payments - Claim by school district - Appeal.**

1. Upon the completion of student registration and in no event later than September tenth of each year, the business manager of a school district claiming payments from state funds under the provisions of this chapter shall file a claim in the form and manner prescribed by the superintendent of public instruction. The business manager must provide the number of registered high school and elementary school students for whom payments are claimed and any other information requested by the superintendent of public instruction.
2. The superintendent of public instruction shall compute the per student payments on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever provides the greater total payment. The superintendent shall make adjustments in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's per student aid payments.
3. ~~School districts educating children of agricultural migratory workers and school districts offering approved summer courses during the months of~~



~~June, July, and August are not restricted to payments for a one hundred eighty-day school term.~~

4. Upon termination of the school year, the business manager of each school district that has received payments from state funds under the provisions of this chapter shall file with the school board a verified statement of the name, residence, and membership of each student and the units of high school work taken by each enrolled student.
- ~~5.~~ 4. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction, in the form and manner prescribed by the superintendent, the students in average daily membership for the recently completed school year. The superintendent shall notify the school district of any student average daily membership that is disallowed.
- ~~6.~~ 5. A district may appeal the determination of the superintendent by submitting a written appeal to the superintendent of public instruction on or before September fifteenth of the year in which the determination is made. The superintendent of public instruction may modify the determination if the evidence submitted by the district justifies a modification. Upon appeal, or in a case when no timely appeal is made, the determination of the superintendent of public instruction is final.

**SECTION 8. AMENDMENT.** Section 15.1-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-12. Tuition payments - Determination.**

1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education incurred by the admitting district.
2.
  - a. The admitting district shall determine the cost of education per student for its kindergarten, elementary, and high school students on the basis of its average daily membership and those expenditures permitted in determining the cost of education per student in section 15.1-27-03.
  - b. To the cost of education per student, the admitting district shall add the state average capital outlay per student. The state average capital outlay per student is determined by dividing the total of all school districts' annual expenditures for sinking and interest funds, tax receipts to the building funds, and general fund expenditures for capital outlay by the average daily membership of the state.
  - c. The admitting district shall subtract the following from the amount arrived at under subdivision b:
    - (1) ~~The weighted per student base payment received by the admitting district, less the average amount per North Dakota resident student enrolled in the school district realized from the deductions applied under section 15.1-27-06; and~~
    - (2) Any credit for taxes paid to the admitting district by the student's parent.
  - d. The amount remaining is the full cost of education incurred by the admitting district and the tuition amount payable for the individual student.
3. If the student's school district of residence and the student's parent are both paying tuition, the credit allowed under subdivision c of subsection 2 for taxes paid to the admitting district by the student's parent must be proportionately credited to the student's district of residence and the student's parent.
4. This chapter does not affect the right of a school board to charge and collect tuition from students who are not residents of this state, in accordance with section 15.1-29-02.

**SECTION 9. AMENDMENT.** Section 15.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-31-03. Open enrollment - Per student aid - Tuition apportionment.**

1. Once a student is enrolled in an admitting district, the student must remain enrolled in the admitting district until:
  - a. The student graduates;
  - b. The student relocates to another district;
  - c. The student's parent applies for enrollment in another school district; or
  - d. The student's parent notifies the student's school district of residence that the student will attend school in the school district of residence the following year.
2. Payment for per student aid must be made to the admitting district in accordance with chapter 15.1-27.
3. ~~For purposes of tuition apportionment payments, a student whose application is approved under this section is considered a resident of the admitting district.~~
4. Except as specifically provided in this chapter, chapter 15.1-29 does not apply to students involved in open enrollment.

**SECTION 10. AMENDMENT.** Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-31-07. Students not subject to this chapter.** If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district. ~~Notwithstanding section 15.1-28-03, the superintendent of public instruction shall forward payments from the state tuition fund made on behalf of the student to the student's chosen school district.~~ The student may not be considered a student in average daily membership in the student's school district of residence for purposes of section 15.1-31-02.

**SECTION 11. AMENDMENT.** Section 15.1-32-14 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-32-14. Special education per student payments.**

1. A student with disabilities who receives special education services is deemed to be enrolled in the student's school district of residence for purposes of calculating per student payments.
2. ~~An additional prorated per student payment may be made if a student with disabilities attends a special education summer program approved by the superintendent of public instruction, provided the student's individualized education program or services plan requires that the student attend a special education summer program.~~
3. If a student who is enrolled in a nonpublic school receives special education services in a public school, the superintendent of public instruction shall forward a proportionate per student payment to the school district in which the student receives the services.
4. 3. a. If in the opinion of an individualized education program team or a services plan team a student is unable to attend a public school in the special education unit to which the student's school district of residence belongs, the student's school district of residence shall contract with another public school that:
  - (1) Does not belong to the same special education unit;

- (2) Is located in this state;
  - (3) Is willing to admit the student; and
  - (4) Is able to provide appropriate services to the student.
- b. The superintendent of public instruction shall approve in advance the terms of the contract and the services to be provided by the admitting school.
  - c. The contract must provide that the student's school district of residence agrees to pay to the district in which the admitting school is located, as part of the cost of educating the student for the school year, an amount equal to two and one-half times the state average per student elementary or high school cost, depending upon the student's level of enrollment, plus twenty percent of all remaining costs. The amount paid may not exceed the actual per student cost incurred by the admitting school.
  - d. The liability of the student's school district of residence must be reduced proportionately if the student attends the admitting school for less than an entire school year.
  - e. Upon being notified by the admitting district that tuition payments provided for by this section are due and unpaid, the superintendent of public instruction, after verification, shall withhold all state aid payments to which the student's school district of residence is entitled until the tuition due has been paid.
  - f. The superintendent of public instruction shall provide to the school district, within the limits of legislative appropriations, an amount equal to eighty percent of the remainder of the actual cost of educating the student with disabilities not covered by other payments or credits.

**SECTION 12. AMENDMENT.** Section 57-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-01.1. Protection of taxpayers and taxing districts.** Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
  - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year. For a park district general fund the "amount levied in dollars in property taxes" is the sum of amounts levied in dollars in property taxes for the general fund under section 57-15-12 including any additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08, the employee health care program under section 40-49-12, the public recreation system under section 40-55-09 including any additional levy approved by the electors, forestry purposes under section 57-15-12.1 except any additional levy approved by the electors, pest control under section 4-33-11, and handicapped person programs and activities under section 57-15-60;
  - b. "Budget year" means the taxing district's year for which the levy is being determined under this section;
  - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the property exempt by local discretion or charitable status, calculated in the same manner as the taxable property; and

- d. "Property exempt by local discretion or charitable status" means property exempted from taxation as new or expanding businesses under chapter 40-57.1; improvements to property under chapter 57-02.2; or buildings belonging to institutions of public charity, new single-family residential or townhouse or condominium property, property used for early childhood services, or pollution abatement improvements under section 57-02-08.
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
    - a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.
    - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
    - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
  4. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
  5. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
    - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
    - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
    - c. School districts.
  6. ~~A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.~~
  7. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

**SECTION 13. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-14. Tax levy limitations in school districts.** The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district; ~~except the Fargo school district,~~ may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of

~~one hundred eighty five produced by a levy of eighty mills on the dollar of the taxable valuation of the district, except that:~~

- ~~1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 
  - ~~a. There may be levied any specific number of mills that. A levy under this section may not be imposed except upon resolution adopted by a two-thirds vote of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.~~
  - ~~b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.~~~~
- ~~2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty five percent of the qualified electors voting upon the question at any regular or special school election.~~
- ~~3. In any school district in which the total assessed valuation of property has increased twenty percent or more over the prior year and in which as a result of that increase the school district is entitled to less in state aid payments provided in chapter 15.1-27 because of the deduction required in section 15.1-27-05, there may be levied any specific number of mills more in dollars than was levied in the prior year up to a general fund levy of one hundred eighty five mills on the dollar of the taxable valuation of the school district. The additional levy authorized by this subsection may be levied for not more than two years because of any twenty percent or greater annual increase in assessed valuation. The total amount of revenue generated in excess of the eighteen percent increase which is otherwise permitted by this section may not exceed the amount of state aid payments lost as a result of applying the deduction provided in section 15.1-27-05 to the increased assessed valuation of the school district in a one year period.~~

~~The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census is required. However, not fewer than twenty five signatures are required unless the district has fewer than twenty five qualified electors, in which case the petition must be signed by not less than twenty five percent of the qualified electors of the district. In those districts with fewer than twenty five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.~~

**SECTION 14. AMENDMENT.** Section 57-35.3-03 of the North Dakota Century Code is amended and reenacted as follows:

**57-35.3-03. Imposition and basis of tax - Surtax.** An annual tax is imposed upon each financial institution for the grant to it of the privilege of transacting, or for the actual transacting by it, of business within this state during any part of each tax year. The tax is based upon and measured by the taxable income of the financial institution for the calendar year. The rate of tax is seven percent of taxable income, but the amount of tax may not be less than fifty dollars. In addition to the tax otherwise determined under this section, a financial institution is subject to a surtax of thirty-three percent of the amount otherwise determined under this section. Notwithstanding the provisions of section 57-35.3-08, the entire proceeds of the surtax under this section must be deposited in the education tax adequacy and equity fund.

**SECTION 15. AMENDMENT.** Section 57-38-29 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-29. Optional method of computing tax - Surtax.** Notwithstanding the other provisions of this chapter, an individual, estate, or trust may elect to determine state income tax liability by applying the provisions of this section. A tax is hereby imposed upon every individual, estate, or trust to be levied, collected, and paid annually with respect to the taxable income of such individual, estate, or trust as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of two and sixty-seven hundredths percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of four percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand dollars, a tax of five and thirty-three hundredths percent.
4. On taxable income in excess of eight thousand dollars and not in excess of fifteen thousand dollars, a tax of six and sixty-seven hundredths percent.
5. On taxable income in excess of fifteen thousand dollars and not in excess of twenty-five thousand dollars, a tax of eight percent.
6. On taxable income in excess of twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of nine and thirty-three hundredths percent.
7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of ten and sixty-seven hundredths percent.
8. On taxable income in excess of fifty thousand dollars, a tax of twelve percent.

In addition to the tax otherwise determined under this section, an individual, estate, or trust is subject to a surtax of thirty-three percent of the amount otherwise determined under this section.

**SECTION 16. AMENDMENT.** Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-30. Imposition and rate of tax on corporations - Surtax.** A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1.
  - a. For the first three thousand dollars of taxable income, at the rate of two and six-tenths percent.
  - b. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of four and one-tenth percent.
  - c. On all taxable income above eight thousand dollars and not in excess of twenty thousand dollars, at the rate of five and six-tenths percent.
  - d. On all taxable income above twenty thousand dollars, and not in excess of thirty thousand dollars, at the rate of six and four-tenths percent.
  - e. On all taxable income above thirty thousand dollars, at the rate of seven percent.
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

3. In addition to the tax otherwise determined under this section, a corporation is subject to a surtax of thirty-three percent of the amount otherwise determined under this section.

**SECTION 17.** A new subsection to section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

In addition to the tax otherwise determined under this section, an individual, estate, or trust is subject to a surtax of thirty-three percent of the amount otherwise determined under this section.

**SECTION 18. AMENDMENT.** Section 57-38-55 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-55. Disposition of revenues.** As soon as practicable, after receipt thereof, the tax commissioner shall turn over to the state treasurer all income taxes collected by the tax commissioner. The state treasurer shall issue a receipt for such collections, which must be made a permanent record in the office of the tax commissioner. Such moneys must be deposited by the state treasurer to the credit of the general fund for the purpose of defraying the general expenses of the state government except all revenue from the surtax imposed under sections 57-38-29, 57-38-30, and 57-38-30.3 must be deposited in the education tax adequacy and equity fund.

**SECTION 19. AMENDMENT.** Subsection 3 of section 57-38.4-02 of the North Dakota Century Code is amended and reenacted as follows:

3. In addition to the tax imposed under ~~subsection~~ subsections 1 and 3 of section 57-38-30, there is imposed an additional tax of three and one-half percent of taxable income which must be levied, collected, and paid annually in the same manner as provided in chapter 57-38.

**SECTION 20.** A new subsection to section 57-39.2-02.1 of the North Dakota Century Code is created and enacted as follows:

There is imposed on the gross receipts from all sales at retail otherwise taxable under this chapter a separate and additional tax of two percent.

**SECTION 21. AMENDMENT.** Section 57-39.2-26 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-26. Allocation of revenue.** ~~All~~ Except as otherwise provided in this section and section 57-39.2-26.1, all moneys collected and received under this chapter must be paid into the state treasury and must be credited by the state treasurer to the general fund. Moneys deposited with the commissioner as security for the payment of tax, penalties, or costs due must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12. All revenue from separate and additional taxes imposed under section 12 of this Act, sections 57-39.5-02, 57-39.6-02, section 16 of this Act, and section 57-40.3-02 must be deposited in the education tax adequacy and equity fund and must not be considered as net sales, use, and motor vehicle excise tax collections under section 57-39.2-26.1.

**SECTION 22. AMENDMENT.** Section 57-39.5-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.5-02. (Effective after December 31, 2005) Imposition - Exemptions.** There is imposed a tax of three percent upon the gross receipts of retailers from all sales at retail, including the leasing or renting, of farm machinery or irrigation equipment used exclusively for agricultural purposes. Gross receipts from sales at retail of farm machinery or irrigation equipment are exempted from the tax imposed by this chapter when the sale, lease, or rental is made to a purchaser or lessor who is entitled to a sales and use tax exemption under subsection 6 or 12 of section 57-39.2-04 on otherwise taxable sales at retail. There are specifically exempted from the tax imposed by this chapter the gross receipts from the sale or lease of used farm machinery, farm machinery repair parts, or used irrigation equipment used exclusively for agricultural purposes. For purposes of this section, "used" means:

1. Tax under this chapter or chapter 57-39.2 or 57-40.2 has been paid on a previous sale;

2. Originally purchased outside this state and previously owned by a farmer;  
or
3. Has been under lease or rental for three years or more.

There is imposed on the gross receipts from all sales at retail otherwise taxable under this chapter a separate and additional tax of two percent.

**SECTION 23. AMENDMENT.** Section 57-39.6-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.6-02. (Effective after December 31, 2005) Gross receipts tax on alcoholic beverages - Exemption.** There is imposed a tax of seven percent on the gross receipts of retailers from all sales at retail of alcoholic beverages. Gross receipts from sales at retail of alcoholic beverages are exempted from the tax imposed by this chapter when the sale is made to a purchaser who is entitled to a sales and use tax exemption under subsection 6 or 12 of section 57-39.2-04 on otherwise taxable sales. There is imposed on the gross receipts from all sales at retail otherwise taxable under this chapter a separate and additional tax of two percent.

**SECTION 24.** A new subsection to section 57-40.2-02.1 of the North Dakota Century Code is created and enacted as follows:

There is imposed a separate and additional tax of two percent of the purchase price or fair market value of property otherwise subject to taxes under this chapter.

**SECTION 25. AMENDMENT.** Section 57-40.3-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-02. Tax imposed.** There is hereby imposed an excise tax at the rate of five percent on the purchase price of any motor vehicle purchased or acquired either in or outside of the state of North Dakota for use on the streets and highways of this state and required to be registered under the laws of this state. There is imposed on the gross receipts from all sales at retail otherwise taxable under this chapter a separate and additional tax of two percent.

**SECTION 26. HOLD HARMLESS PAYMENTS.**

1. The superintendent of public instruction shall compare the payments to which each school district is entitled from all state and local sources for the 2004-05 school year against the payments to which each school district is entitled from all state and local sources for the 2005-06 school year. If the amount to which a school district is entitled during the 2005-06 school year is less than that to which it was entitled during the 2004-05 school year, the superintendent of public instruction shall forward the difference to the school district on or before June 30, 2006.
2. The superintendent of public instruction shall compare the payments to which each school district is entitled from all state and local sources for the 2004-05 school year against the payments to which each school district is entitled from all state and local sources for the 2006-07 school year. If the amount to which a school district is entitled during the 2006-07 school year is less than that to which it was entitled during the 2004-05 school year, the superintendent of public instruction shall forward the difference to the school district on or before June 30, 2007.
3. The superintendent of public instruction may make payments under this section only to those school districts that levy eighty mills as provided for in section 57-15-14.

**SECTION 27. REPEAL.** Sections 15.1-07-28, 15.1-12-11.1, 15.1-12-11.2, 15.1-27-04, 15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-10, 15.1-27-11, 15.1-27-12, 15.1-27-14, 15.1-27-15, 15.1-27-16, 15.1-27-17, 15.1-27-19, 15.1-27-21, 15.1-27-32, 15.1-27-33, 15.1-27-36, 15.1-27-37, 15.1-27-38, 15.1-27-40, and 15.1-28-03 of the North Dakota Century Code are repealed.

**SECTION 28. EFFECTIVE DATE.** Sections 1, 12, and 13 of this Act are effective for taxable years beginning after December 31, 2005. Sections 14, 15, 16, 17, 18, and 19 of this Act are effective for taxable years beginning after December 31,



2004. Sections 20, 21, 24, and 25 of this Act are effective for taxable events occurring after June 30, 2005. Sections 22 and 23 of this Act are effective for taxable events occurring after December 31, 2005."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1514: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING). HB 1514 was placed on the Sixth order on the calendar.

Page 3, line 10, remove "Drafts of proposed appropriations acts for executive branch departments."

Page 3, remove lines 11 through 13

Page 3, line 14, remove "8.", overstrike "a", remove the overstrike over "~~appropriations acts~~", and insert immediately thereafter "for executive branch departments, agencies, and institutions, including institutions of higher education, providing the same funding as approved by the most recently adjourned special or regular session of the legislative assembly and"

Page 3, line 15, remove "required in subsection 7"

Page 3, line 21, remove the overstrike over "~~8.~~" and remove "9."

Page 3, line 28, remove the overstrike over "~~9.~~" and remove "10."

Page 4, line 14, remove the overstrike over "~~subsection~~", remove "subsections", and remove "and 8"

Page 4, line 15, remove the overstrike over "~~within~~"

Page 4, line 16, replace "at the same time as" with "five business days after the presentation of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1521: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1521 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3010: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3010 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3021: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the Tenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**

