JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, April 27, 2001

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

The prayer was offered by Rep. Bette Grande, District 41, Fargo.

The roll was called and all members were present except Representatives Huether, Jensen, Koppelman, and Renner.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 26, 2001, I have signed the following: HB 1001, HB 1003, HB 1004, HB 1005, HB 1007, HB 1338, HB 1407, HB 1441, HB 1444, and HB 1460.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Carlson, Belter, Drovdal and Sens. G. Nelson, Urlacher, Wardner introduced:
(Approved by the Delayed Bills Committee)

HCR 3073: A concurrent resolution urging the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush.

Was read the first time.

MOTION

REP. BELTER MOVED that the rules be suspended, that HCR 3073 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Carlson, Belter, Drovdal and Sens. G. Nelson, Urlacher, Wardner introduced:
(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3073

A concurrent resolution urging the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush.

WHEREAS, President George W. Bush honored the state of North Dakota with his visit to the state on Thursday, March 8, 2001; and

WHEREAS, federal taxes are the highest they have ever been during peacetime; and

WHEREAS, all taxpayers should be allowed to keep more of their own money; and

WHEREAS, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

WHEREAS, President Bush, on his visit to North Dakota, pledged his commitment to end the estate tax, commonly known as the death tax; and

WHEREAS, under current tax law, low-income workers often pay the highest marginal rates; and

WHEREAS, President Bush's tax relief plan will contribute to raising the standard of living for all Americans; and

WHEREAS, President Bush's tax relief plan will increase access to the middle class for hard-working families, treat all middle-class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

WHEREAS, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest-income earners;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-seventh Legislative Assembly urges the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the Senate Majority Leader, the Senate Minority Leader, the House Majority Leader, the House Minority Leader, and the President of the United States.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3073: A concurrent resolution urging the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 67 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Lloyd; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

ABSENT AND NOT VOTING: Huether; Jensen; Koppelman; Renner

HCR 3073 was declared adopted on a recorded roll call vote.

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MOTION

REP. MONSON MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Bernstein presiding.

REPORT OF CONFERENCE COMMITTEE

SB 2011, as engrossed: Your conference committee (Sens. Kringstad, Stenehjem, Tallackson and Reps. Timm, Skarphol, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1204-1205, adopt amendments as follows, and place SB 2011 on the Seventh order:

The the House recede from its amendments as printed on pages 1204 and 1205 of the Senate Journal and pages 1337 and 1338 of the House Journal and that Engrossed Senate Bill No. 2011 be amended as follows:

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 12, replace "21,159,321" with "13,629,443"

Page 1, line 13, replace "12,083,781" with "19,613,659"

Page 1, line 15, replace "$13,729,878" with "$6,200,000"

Page 2, after line 2, insert:

"**SECTION 4. LEGISLATIVE INTENT - PERFORMANCE MEASURE MONITORING.** It is the intent of the legislative assembly that the highway patrol monitor its actual to planned expenditures and its actual to projected performance measures by program for the biennium beginning July 1, 2001, and ending June 30, 2003. The highway patrol shall make this information available as requested by the appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2011 - Highway Patrol - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	$20,690,143					
Operating expenses	6,218,000					
Equipment	1,285,000					
Capital improvements	50,000					
Grants	5,000,000					
Administration		$2,164,675		$2,164,675	$2,164,675	
Field operations		30,095,704		30,095,704	30,095,704	
Law Enforcement Training		982,723		982,723	982,723	

Academy						
Total all funds	$33,243,143	$33,243,102	$0	$33,243,102	$33,243,102	$0
Less estimated income	21,159,342	21,159,321	(7,529,878)	13,629,443	7,429,443	6,200,000
General fund	$12,083,801	$12,083,781	$7,529,878	$19,613,659	$25,813,659	($6,200,000)
FTE	196.00	196.00	0.00	196.00	196.00	0.00

Dept. 504 - Highway Patrol - Detail of Conference Committee Changes

	CHANGE FUNDING SOURCE [1]	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Administration		
Field operations		
Law Enforcement Training Academy		
Total all funds	$0	$0
Less estimated income	(7,529,878)	(7,529,878)
General fund	$7,529,878	$7,529,878
FTE	0.00	0.00

[1] Compared to the Senate version (engrossed bill), this amendment reduces funding from the highway fund by $7,529,878, from $13,729,878 to $6,200,000, and replaces it with $7,529,878 from the general fund. Compared to the House version, this amendment increases funding from the highway fund by $6,200,000 and reduces general fund support by $6,200,000.

A section is added providing that the Highway Patrol monitor its actual to planned expenditures and its actual to projected performance measures for each of its programs during the 2001-03 biennium, the same as the House version.

Engrossed SB 2011 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. TIMM MOVED that the conference committee report on SB 2011 be adopted, which motion prevailed on a voice vote.

SB 2011, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide a statement of legislative intent.

ROLL CALL

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

YEAS: Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Boehm; Carlson; Delzer; Lemieux

ABSENT AND NOT VOTING: Disrud; Huether; Jensen; Koppelman

Engrossed SB 2011 passed and the title was agreed to.

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MOTION

REP. BELTER MOVED to suspend the rules only for reconsideration of HB 1344, which motion prevailed.

MOTION

REP. BELTER MOVED that the House reconsider its action whereby HB 1344 passed, which motion prevailed.

MOTION

REP. BELTER MOVED to reengross HB 1344 with the Senate Amendments, which motion prevailed.

MOTION

REP. BELTER MOVED to rerefer HB 1344 to the House Education Committee, which motion prevailed.

MOTION

REP. MONSON MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Bernstein presiding.

REPORT OF CONFERENCE COMMITTEE

SB 2020, as reengrossed: Your conference committee (Sens. Holmberg, Grindberg, Lindaas and Reps. Monson, Wentz, Gulleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1249-1250, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1249 and 1250 of the Senate Journal and pages 1387 and 1388 of the House Journal and that Reengrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 2, after "education" insert "; to provide for a legislative council study; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to workforce training funds; and to provide an effective date"

Page 1, after line 13, insert:

"Information technology technical education program development grants	422,300"

Page 1, line 14, replace "525,760" with "575,760"

Page 1, line 17, replace "28,756,397" with "29,228,697"

Page 1, line 19, replace "13,868,655" with "14,340,955"

Page 1, replace lines 20 through 24 with:

"**SECTION 2. WORKFORCE TRAINING AND DEVELOPMENT ACTIVITIES - DIVISION OF WORKFORCE DEVELOPMENT REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** The division of workforce development of the department of commerce shall prepare a report annually on workforce training and development activities of the North Dakota university system, job service North Dakota, department of human services, state board for vocational and technical education, department of commerce, and other workforce partners. The division of workforce development of the department of commerce shall present the reports to the House and Senate appropriations committees of the fifty-eighth legislative assembly.

SECTION 3. INFORMATION TECHNOLOGY TECHNICAL EDUCATION PROGRAM DEVELOPMENT GRANTS. The state board for vocational and technical education shall use the amount appropriated in the line item entitled information technology technical education program development grants in section 1 of this Act to contract with a nonprofit private entity to provide assistance to schools in information technology technical education program development. The funds must be expended in accordance with the April 24, 2001, partnership agreement entered into between the state board for vocational and technical education and explornet.

SECTION 4. WORKFORCE TRAINING AND DEVELOPMENT - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2001-02 interim, workforce training and development programs in North Dakota, including efforts to recruit and retain North Dakota's workforce, underemployment and skills shortages, current workforce training efforts, and the involvement of the new economy initiative goals and strategies; and the work force 2000 and new jobs training programs and other workforce training and development

programs administered by agencies of the state of North Dakota, and the feasibility and desirability of consolidating in a single agency the funding and administration of those programs. Agencies to be considered as part of the study include job service North Dakota, the department of economic development and finance, the state board for vocational and technical education, and the North Dakota university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 5. WORKFORCE TRAINING - REGIONAL FUNDS - REPORT TO BUDGET SECTION. The North Dakota university system shall report during the 2001-02 interim to the budget section of the legislative council regarding the amount of funds raised in each region of the state during the first fiscal year of the biennium and the amount anticipated to be raised prior to June 30, 2003.

SECTION 6. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Workforce training funds - Distribution. Within the limits of legislative appropriations, workforce training funds must be distributed by the state board for vocational and technical education as follows:

1. During the first fiscal year of each biennium, the state board for vocational and technical education shall distribute up to one-half of the total amount appropriated for the biennium. The funds must be divided among the institutions of higher education assigned primary responsibility for workforce training pursuant to business plans approved by the state board of higher education and filed annually with the state board for vocational and technical education and the division of workforce development of the department of commerce.

2. To be eligible to receive state funding for the second fiscal year of each biennium, each institution of higher education assigned primary responsibility for workforce training must provide certification to the workforce development division of the department of commerce that at least fifty percent of the regional funds included in the approved business plan for the biennium have been received, or are pledged to be received, prior to the end of the biennium. These funds may not be distributed to an institution of higher education assigned primary responsibility for workforce training until the workforce development division notifies the state board for vocational and technical education that the institution has met the requirements of this subsection.

SECTION 7. EFFECTIVE DATE. Section 6 of this Act becomes effective July 1, 2003."

Page 2, remove lines 1 through 19

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Vocational Education - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	$3,066,412	$2,946,750		$2,946,750	$2,946,750	
Operating expenses	682,906	596,147		596,147	596,147	
Equipment	60,000	60,000		60,000	60,000	
Grants	23,274,665	22,920,288		22,920,288	22,920,288	
Information technology technical education grants			$422,300	422,300	422,300	
Adult farm management	525,760	525,760	50,000	575,760	525,760	$50,000
Workforce training	875,000	1,350,000		1,350,000	1,350,000	
Postsecondary education vocational grants	357,452	357,452		357,452	357,452	
Total all funds	$28,842,195	$28,756,397	$472,300	$29,228,697	$29,178,697	$50,000
Less estimated income	14,990,919	14,887,742		14,887,742	14,887,742	
General fund	$13,851,276	$13,868,655	$472,300	$14,340,955	$14,290,955	$50,000
FTE	29.50	28.50	0.00	28.50	28.50	0.00

Dept. 270 - Vocational Education - Detail of Conference Committee Changes

	ADD FUNDING FOR ADULT FARM MANAGEMENT PROGRAMS	ADD FUNDING FOR GRANT TO EXPLORNET[1]	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Grants			
Information technology technical education grants		$422,300	$422,300
Adult farm management	$50,000		50,000
Workforce training			
Postsecondary education vocational grants			
Total all funds	$50,000	$422,300	$472,300
Less estimated income			
General fund	$50,000	$422,300	$472,300
FTE	0.00	0.00	0.00

[1] An information technology technical education program development line item of $422,300 is added for a grant to ExplorNet (a 501(c)(3) nonprofit corporation) for the purpose of providing services to schools to assist in information technology technical education program development.

This amendment adds the following sections:

- Section 2, similar to the section added by the House, requiring an annual report to be prepared on workforce training and development activities and that the annual reports be presented to the House and Senate Appropriations Committees of the 58th Legislative Assembly. References in the House section to the Workforce Development Council are changed to the Division of Workforce Development of the Department of Commerce.

- Section 3, similar to the section added by the House, requiring the $422,300 added for information technology education grants to be used to provide a grant to a nonprofit private entity for the purpose of providing assistance to schools in information technology program development. A sentence is added to the House section referencing the partnership agreement entered into between the State Board for Vocational and Technical Education and ExplorNet.

- Section 4, which expands the Legislative Council study proposed by the House relating to workforce training and development activities.

- Section 5, which requires a report to the Budget Section during the 2001-02 interim regarding regional funds raised by the institutions assigned primary responsibility for workforce training.

- Section 6, which replaces section 2 of the reengrossed bill and creates a new section to North Dakota Century Code Chapter 52-08, requiring that prior to the distribution of workforce training funds for the second year of a biennium, each workforce training region must certify that at least 50 percent (compared to 75 percent in the Senate version) of the regional funds estimated to be raised during the biennium have been received or are pledged to be received. This section is effective July 1, 2003.

Reengrossed SB 2020 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MONSON MOVED that the conference committee report on Reengrossed SB 2020 as printed on HJ pages 1387-1388 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2020, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education; to provide for a legislative council study; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to workforce training funds; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Huether; Jensen; Johnson, D.; Kerzman; Koppelman; Lloyd; Ruby

Reengrossed SB 2020 passed and the title was agreed to.

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MOTION

REP. BELTER MOVED that the House stand in recess until 6:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Bernstein presiding.

REPORT OF CONFERENCE COMMITTEE

SB 2159, as engrossed: Your conference committee (Sens. Stenehjem, Mutch, O'Connell and Reps. Weisz, Pollert, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1402-1405, adopt amendments as follows, and place SB 2159 on the Seventh order:

That the House recede from its amendments as printed on pages 1402-1405 of the Senate Journal and pages 1525-1528 of the House Journal and that Engrossed Senate Bill No. 2159 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to number plates; to amend and reenact sections 39-04-08.1, 39-04-19, subsection 2 of section 39-04-36, and section 39-22-12 of the North Dakota Century Code, relating to number plate use and fees and a motor vehicle dealer licensing exemption; to repeal section 39-04-09.1 of the North Dakota Century Code, relating to Lewis and Clark number plates; to provide for a legislative council study; to provide application of points and fees; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Additional fee with general issuance of number plates. The director shall collect an additional fee of four dollars with each set of number plates issued in the first general issuance of number plates occurring after June 30, 2001, except for number plates issued to trailers. Notwithstanding any other provision of law, the entire revenue from fees under this section must be deposited in the state highway fund.

SECTION 2. AMENDMENT. Section 39-04-08.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-04-08.1. Assignment of motor vehicle number plates. Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. ~~Except as provided in sections 39-04-10 and 39-04-10.3, the department shall charge a nonrefundable fee of ten dollars if an applicant chooses a number plate other than the number plate randomly assigned.~~ The department of transportation may adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

SECTION 3. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.

2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

   a. Passenger motor vehicles:

	YEARS REGISTERED			
Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	~~$50.00~~ $57.00	~~$42.00~~ $49.00	~~$34.00~~ $41.00	~~$26.00~~ $33.00
3,200 - 4,499	~~70.00~~ 77.00	~~58.00~~ 65.00	~~46.00~~ 53.00	~~34.00~~ 41.00
4,500 - 4,999	~~88.00~~ 95.00	~~71.00~~ 78.00	~~56.00~~ 63.00	~~40.00~~ 47.00
5,000 - 5,999	~~119.00~~ 126.00	~~97.00~~ 104.00	~~75.00~~ 82.00	~~53.00~~ 60.00
6,000 - 6,999	~~152.00~~ 159.00	~~123.00~~ 130.00	~~94.00~~ 101.00	~~66.00~~ 73.00
7,000 - 7,999	~~185.00~~ 192.00	~~149.00~~ 156.00	~~114.00~~ 121.00	~~79.00~~ 86.00
8,000 - 8,999	~~218.00~~ 225.00	~~176.00~~ 183.00	~~134.00~~ 141.00	~~92.00~~ 99.00
9,000 and over	~~251.00~~ 258.00	~~202.00~~ 209.00	~~154.00~~ 161.00	~~105.00~~ 112.00

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

   b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

	YEARS REGISTERED				
Gross Weights	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	~~$48.00~~ $55.00	~~$35.00~~ $42.00	~~$30.00~~ $37.00	~~$27.00~~ $34.00	~~$26.00~~ $33.00
4,001 - 6,000	~~53.00~~ 60.00	~~40.00~~ 47.00	~~34.00~~ 41.00	~~28.00~~ 35.00	~~27.00~~ 34.00
6,001 - 8,000	~~58.00~~ 65.00	~~45.00~~ 52.00	~~38.00~~ 45.00	~~29.00~~ 36.00	~~28.00~~ 35.00
8,001 - 10,000	~~63.00~~ 70.00	~~50.00~~ 57.00	~~42.00~~ 49.00	~~31.00~~ 38.00	~~30.00~~ 37.00
10,001 - 12,000	~~68.00~~ 75.00	~~55.00~~ 62.00	~~46.00~~ 53.00	~~33.00~~ 40.00	~~32.00~~ 39.00
12,001 - 14,000	~~73.00~~ 80.00	~~60.00~~ 67.00	~~50.00~~ 57.00	~~36.00~~ 43.00	~~35.00~~ 42.00
14,001 - 16,000	~~78.00~~ 85.00	~~65.00~~ 72.00	~~54.00~~ 61.00	~~39.00~~ 46.00	~~38.00~~ 45.00
16,001 - 18,000	~~83.00~~ 90.00	~~70.00~~ 77.00	~~58.00~~ 65.00	~~41.00~~ 48.00	~~40.00~~ 47.00
18,001 - 20,000	~~86.00~~ 93.00	~~73.00~~ 80.00	~~60.00~~ 67.00	~~42.00~~ 49.00	~~41.00~~ 48.00

	YEARS REGISTERED		
Gross Weights	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	~~$116.00~~ $123.00	~~$90.00~~ $97.00	~~$77.00~~ $84.00
22,001 - 26,000	~~168.00~~ 175.00	~~138.00~~ 145.00	~~122.00~~ 129.00
26,001 - 30,000	~~229.00~~ 236.00	~~187.00~~ 194.00	~~165.00~~ 172.00
30,001 - 34,000	~~295.00~~ 302.00	~~240.00~~ 247.00	~~212.00~~ 219.00
34,001 - 38,000	~~356.00~~ 363.00	~~289.00~~ 296.00	~~255.00~~ 262.00

38,001 - 42,000	~~417.00~~ 424.00	~~338.00~~ 345.00	~~297.00~~ 304.00
42,001 - 46,000	~~478.00~~ 485.00	~~386.00~~ 393.00	~~340.00~~ 347.00
46,001 - 50,000	~~539.00~~ 546.00	~~435.00~~ 442.00	~~383.00~~ 390.00
50,001 - 54,000	~~609.00~~ 616.00	~~493.00~~ 500.00	~~434.00~~ 441.00
54,001 - 58,000	~~670.00~~ 677.00	~~542.00~~ 549.00	~~477.00~~ 484.00
58,001 - 62,000	~~731.00~~ 739.00	~~591.00~~ 598.00	~~520.00~~ 527.00
62,001 - 66,000	~~792.00~~ 799.00	~~639.00~~ 646.00	~~563.00~~ 570.00
66,001 - 70,000	~~853.00~~ 860.00	~~688.00~~ 695.00	~~605.00~~ 612.00
70,001 - 74,000	~~914.00~~ 921.00	~~737.00~~ 744.00	~~648.00~~ 655.00
74,001 - 78,000	~~975.00~~ 982.00	~~786.00~~ 793.00	~~691.00~~ 698.00
78,001 - 82,000	~~1,036.00~~ 1,043.00	~~835.00~~ 842.00	~~734.00~~ 741.00
82,001 - 86,000	~~1,159.00~~ 1,166.00	~~940.00~~ 947.00	~~821.00~~ 828.00
86,001 - 90,000	~~1,281.00~~ 1,288.00	~~1,044.00~~ 1,051.00	~~908.00~~ 915.00
90,001 - 94,000	~~1,403.00~~ 1,410.00	~~1,149.00~~ 1,156.00	~~995.00~~ 1,002.00
94,001 - 98,000	~~1,525.00~~ 1,532.00	~~1,254.00~~ 1,261.00	~~1,083.00~~ 1,090.00
98,001 - 102,000	~~1,647.00~~ 1,654.00	~~1,358.00~~ 1,365.00	~~1,170.00~~ 1,177.00
102,001 - 105,500	~~1,769.00~~ 1,776.00	~~1,463.00~~ 1,470.00	~~1,257.00~~ 1,264.00

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

	YEARS REGISTERED			
Gross Weights	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	~~$88.00~~ $95.00	~~$74.00~~ $81.00	~~$60.00~~ $67.00	~~$42.00~~ $49.00
22,001 - 24,000	~~93.00~~ 100.00	~~78.00~~ 85.00	~~63.00~~ 70.00	~~44.00~~ 51.00
24,001 - 26,000	~~101.00~~ 108.00	~~84.00~~ 91.00	~~67.00~~ 74.00	~~46.00~~ 53.00
26,001 - 28,000	~~111.00~~ 119.00	~~92.00~~ 99.00	~~73.00~~ 80.00	~~50.00~~ 57.00
28,001 - 30,000	~~121.00~~ 128.00	~~100.00~~ 107.00	~~79.00~~ 86.00	~~54.00~~ 61.00
30,001 - 32,000	~~136.00~~ 143.00	~~113.00~~ 120.00	~~90.00~~ 97.00	~~63.00~~ 70.00
32,001 - 34,000	~~146.00~~ 153.00	~~121.00~~ 128.00	~~96.00~~ 103.00	~~67.00~~ 74.00
34,001 - 36,000	~~156.00~~ 163.00	~~129.00~~ 136.00	~~102.00~~ 109.00	~~71.00~~ 78.00

36,001 - 38,000	~~166.00~~ 173.00	~~137.00~~ 144.00	~~108.00~~ 115.00	~~75.00~~ 82.00
38,001 - 40,000	~~176.00~~ 183.00	~~145.00~~ 152.00	~~114.00~~ 121.00	~~79.00~~ 86.00
40,001 - 42,000	~~186.00~~ 193.00	~~153.00~~ 160.00	~~120.00~~ 127.00	~~83.00~~ 90.00
42,001 - 44,000	~~196.00~~ 203.00	~~161.00~~ 168.00	~~126.00~~ 133.00	~~87.00~~ 94.00
44,001 - 46,000	~~206.00~~ 213.00	~~169.00~~ 176.00	~~132.00~~ 139.00	~~91.00~~ 98.00
46,001 - 48,000	~~216.00~~ 223.00	~~177.00~~ 184.00	~~138.00~~ 145.00	~~95.00~~ 102.00
48,001 - 50,000	~~226.00~~ 233.00	~~185.00~~ 192.00	~~144.00~~ 151.00	~~99.00~~ 106.00
50,001 - 52,000	~~246.00~~ 253.00	~~203.00~~ 210.00	~~160.00~~ 167.00	~~113.00~~ 120.00
52,001 - 54,000	~~256.00~~ 263.00	~~211.00~~ 218.00	~~166.00~~ 173.00	~~117.00~~ 124.00
54,001 - 56,000	~~266.00~~ 273.00	~~219.00~~ 226.00	~~172.00~~ 179.00	~~121.00~~ 128.00
56,001 - 58,000	~~276.00~~ 283.00	~~227.00~~ 234.00	~~178.00~~ 185.00	~~125.00~~ 132.00
58,001 - 60,000	~~286.00~~ 293.00	~~235.00~~ 242.00	~~184.00~~ 191.00	~~129.00~~ 136.00
60,001 - 62,000	~~296.00~~ 303.00	~~243.00~~ 250.00	~~190.00~~ 197.00	~~133.00~~ 140.00
62,001 - 64,000	~~306.00~~ 313.00	~~251.00~~ 258.00	~~196.00~~ 203.00	~~137.00~~ 144.00
64,001 - 66,000	~~316.00~~ 323.00	~~259.00~~ 266.00	~~202.00~~ 209.00	~~141.00~~ 148.00
66,001 - 68,000	~~326.00~~ 333.00	~~267.00~~ 274.00	~~208.00~~ 215.00	~~145.00~~ 152.00
68,001 - 70,000	~~336.00~~ 343.00	~~275.00~~ 282.00	~~214.00~~ 221.00	~~149.00~~ 156.00
70,001 - 72,000	~~346.00~~ 353.00	~~283.00~~ 290.00	~~220.00~~ 227.00	~~153.00~~ 160.00
72,001 - 74,000	~~356.00~~ 363.00	~~291.00~~ 298.00	~~226.00~~ 233.00	~~157.00~~ 164.00
74,001 - 76,000	~~366.00~~ 373.00	~~299.00~~ 306.00	~~232.00~~ 239.00	~~161.00~~ 168.00
76,001 - 78,000	~~376.00~~ 383.00	~~307.00~~ 314.00	~~238.00~~ 245.00	~~165.00~~ 172.00
78,001 - 80,000	~~386.00~~ 393.00	~~315.00~~ 322.00	~~244.00~~ 251.00	~~169.00~~ 176.00
80,001 - 82,000	~~396.00~~ 403.00	~~323.00~~ 330.00	~~250.00~~ 257.00	~~173.00~~ 180.00
82,001 - 84,000	~~406.00~~ 413.00	~~345.00~~ 352.00	~~293.00~~ 300.00	~~249.00~~ 256.00
84,001 - 86,000	~~426.00~~ 433.00	~~362.00~~ 369.00	~~307.00~~ 314.00	~~261.00~~ 268.00
86,001 - 88,000	~~446.00~~ 453.00	~~379.00~~ 386.00	~~321.00~~ 328.00	~~273.00~~ 280.00
88,001 - 90,000	~~466.00~~ 473.00	~~396.00~~ 403.00	~~335.00~~ 342.00	~~285.00~~ 292.00
90,001 - 92,000	~~486.00~~ 493.00	~~413.00~~ 420.00	~~349.00~~ 356.00	~~297.00~~ 304.00
92,001 - 94,000	~~506.00~~ 513.00	~~430.00~~ 437.00	~~363.00~~ 370.00	~~309.00~~ 316.00
94,001 - 96,000	~~526.00~~ 533.00	~~447.00~~ 454.00	~~377.00~~ 384.00	~~321.00~~ 328.00
96,001 - 98,000	~~546.00~~ 553.00	~~464.00~~ 471.00	~~391.00~~ 398.00	~~333.00~~ 340.00
98,001 - 100,000	~~566.00~~ 573.00	~~481.00~~ 488.00	~~405.00~~ 412.00	~~345.00~~ 352.00
100,001 - 102,000	~~586.00~~ 593.00	~~498.00~~ 505.00	~~419.00~~ 426.00	~~357.00~~ 364.00
102,001 - 104,000	~~606.00~~ 613.00	~~515.00~~ 522.00	~~433.00~~ 440.00	~~369.00~~ 376.00
104,001 - 105,500	~~626.00~~ 633.00	~~532.00~~ 539.00	~~447.00~~ 454.00	~~381.00~~ 388.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

7. Two dollars of each registration fee collected under subsection 2 or 5 must be deposited in the state highway fund.

SECTION 4. AMENDMENT. Subsection 2 of section 39-04-36 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Upon applying for the transfer of the registration and paying a five dollar fee, a person who transfers or assigns to another person the ownership of a registered vehicle may receive credit for the unused portion of the fees paid for the transferred vehicle. The transferor must use a number plate previously removed pursuant to subsection 1, regardless of whether there is any license fee credit remaining. If the number plate has become lost, stolen, or mutilated, the transferor may apply for duplicate plates. The department may establish procedures that permit the transferor to assign the credit to the transferee if the transferor is the spouse, a sibling, or a lineal ancestor or descendant of the transferee. One-twelfth of the annual fee must be credited for each month of the registration period remaining after the month in which the transfer is made. The credit may not extend beyond the original expiration of the registration. Except as provided in section 39-04-44, the credit must be applied to the registration fees for a replacement vehicle. The transferor shall apply for the transfer of registration within thirty days of the purchase of the replacement vehicle.

SECTION 5. AMENDMENT. Section 39-22-12 of the North Dakota Century Code is amended and reenacted as follows:

39-22-12. Officers to administer chapter - House car dealer, manufacturer, and distributor exemption**.** The director and any duly authorized representative ~~shall be~~ are responsible for the administration of ~~the provisions of~~ this chapter. This chapter does not apply to house car dealers, manufacturers, and distributors.

SECTION 6. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 2001-02 interim highway construction and maintenance funding, including revenue sources and distribution formulas. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 7. APPLICATION OF DEMERIT POINTS OR FEES. The operator's license demerit points or fees for driving in violation of section 39-09-02, or equivalent ordinance, as provided by Senate Bill No. 2088, as passed by the fifty-seventh legislative assembly, are effective solely for offenses committed after June 30, 2001.

SECTION 8. REPEAL. Section 39-04-09.1 of the North Dakota Century Code is repealed.

SECTION 9. EFFECTIVE DATE. Sections 1 and 3 of this Act are effective for number plates issued and registrations due after June 30, 2001. Section 2 of this Act becomes effective on January 1, 2003."

Renumber accordingly

Engrossed SB 2159 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed SB 2159 as printed on HJ pages 1525-1528 be adopted, which motion failed on a verification vote.

REPORT OF STANDING COMMITTEE

HB 1344, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1344 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 contingent payments for declining enrollment and the distribution of differing payment amounts; to create and enact four new sections to chapter 15-40.1 and one new section to chapter 15.1-02 of the North Dakota Century Code or in the alternative to create and enact four new sections to chapter 15.1-27 of the North Dakota Century Code, relating to the compensation of teachers and a school district compensation report; to amend and reenact sections 15-40.1-06 and 57-15-27 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-04 and 15.1-27-05 of the North Dakota Century Code, relating to per student payments and ending fund balances; to provide legislative intent; to provide for a legislative council study; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1045 does not become effective, section 15-40.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly to support elementary and secondary education in this state from state funds. For purposes of this section, state funds include all appropriations for foundation aid, tuition apportionment, supplemental per student payments, special education, vocational education, transportation aid, school district technology, the governor's school, teacher centers, and the leadership in educational administration development consortium. For purposes of distributing state funds, the superintendent of public instruction shall determine the educational cost per student. In determining the educational cost per student, the superintendent may not use:

   a. Expenditures for capital outlay for buildings and sites, or debt service.

   b. Expenditures from school activities and school lunch programs.

c. Expenditures for the cost of transportation, including the cost of schoolbuses.

2. a. The educational support per student ~~during~~for the first year of the ~~1999-2001~~ 2001-03 biennium ~~must be~~ is two thousand ~~one~~ two hundred ~~forty-five~~ eighty-three dollars ~~and~~. The educational support per student for the second year of the~~1999-2001~~ 2001-03 biennium ~~the educational support per student must be~~ is two thousand ~~two~~ three hundred ~~thirty~~ forty-three dollars ~~and~~. The educational support per student is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.

b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.

c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.

d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.

3. In determining the amount of payments due a school~~districts for tuition apportionment provided in section 15-44-03, and per student aid under this section, the amount of~~ district, the superintendent of public instruction shall add the tuition apportionment~~, foundation aid~~ payments, per student payments, special education aid, ~~and~~ transportation aid, and teacher compensation payments for which a school district is eligible ~~must be added together,~~ and from that total~~,~~subtract the following ~~amounts must be subtracted~~:

a. The product of thirty-two mills times the latest available net assessed and equalized valuation of property of the school district.

b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of~~three-fourths~~ fifty percent of ~~the~~ its actual expenditures, plus ~~an additional~~ twenty thousand dollars.

4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:

   a. Annual average daily membership report.

   b. Annual school district financial report.

   c. The September tenth fall enrollment report.

   d. The personnel report forms for certified and noncertified employees.

5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

SECTION 2. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Definitions. For purposes of sections 3 through 5 of this Act:

1. "Compensation" includes all salaries, benefits, commissions, memberships, the provision of housing, the provision of vehicles, and any other payments, in lieu of payments, or services, reportable as gross income under the Internal Revenue Code.

2. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as of July 1, 2001, as:

   a. A class 22 coordinator;

   b. A class 37 guidance counselor or school counselor;

   c. A class 38 guidance counselor designate;

   d. A class 40 instructional programmer;

   e. A class 41 library media specialist;

   f. A class 56 pupil personnel service provider;

   g. A class 59 school psychologist;

   h. A class 62 speech-language pathologist;

   i. A class 68 supervisor;

   j. A class 70 teacher or special education teacher; or

   k. A class 72 tutor in training.

SECTION 3. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Claim for reimbursement - Rules.

1. On or before October first of each year or within thirty days after the conclusion of the negotiation process provided for in chapter 15-38.1, the board of a school district may file a claim with the superintendent of public instruction for the reimbursement of moneys to be expended by the district during the school year to increase the compensation of teachers employed by the district.

2. The claim must include:

   a. The number of full-time equivalent teachers employed by the district as of September fifteenth;

b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and

c. The total amount of the increase in compensation.

3. For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001. For the 2002-03 school year, the reimbursement provided for in this section may not exceed three thousand dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.

4. For purposes of this section, the claim of a district may include proportionate expenditures made by the district to compensate individuals employed as teachers by the special education unit or the area vocational and technology center to which the district belongs.

5. The superintendent of public instruction may adopt rules regarding claims for and the payment of reimbursements under this section.

SECTION 4. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Distribution of reimbursement. The superintendent of public instruction shall distribute approximately one-sixth of the total amount to which each school district is entitled under section 3 of this Act on or before the first day of each November, December, January, February, March, and May.

SECTION 5. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Annual salary - Minimum amount.Beginning with the 2001-02 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a base salary level for the contract period equal to at least eighteen thousand five hundred dollars. Beginning with the 2002-03 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a base salary level for the contract period equal to twenty thousand dollars.

SECTION 6. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

School district employee compensation report.

1. Before September eleventh of each year, beginning in 2002, each school district shall provide the following information to the superintendent of public instruction, with respect to teachers and with respect to administrators:

   a. The total amount of base salary.

   b. The total amount of compensation reportable as gross income under the Internal Revenue Code.

   c. Any other compensation paid or provided to or on behalf of individuals employed as teachers and as administrators.

   d. Health insurance benefits paid to or on behalf of individuals employed as teachers and as administrators.

   e. Retirement contributions and assessments paid on behalf of individuals employed as teachers and as administrators, and including individual shares if paid by the district.

   f. Any other benefits paid or provided to or on behalf of individuals employed as teachers and as administrators.

2. The superintendent of public instruction shall:

a. Compile the information required by subsection 1 in a manner that allows for accurate comparisons based on:

(1) Full-time versus part-time personnel;

(2) A normal schoolday versus an extended schoolday; and

(3) A regular school calendar of approximately one hundred eighty days versus an extended school year.

b. Forward a copy of the compiled information to the governor and the chairman of the legislative council.

3. If any school district fails without good cause to provide the information required by this section on or before September tenth and in the manner directed by the superintendent of public instruction, the superintendent shall withhold all state aid until the information is received.

4. For purposes of this section:

a. "Administrator" means an individual employed by a school district in an administrative position and includes a school district superintendent, an assistant or associate superintendent, a principal, an assistant principal, a special education director, a vocational education director, and any other individual whose position requires an administrator's credential.

b. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as of July 1, 2001, as:

(1) A class 22 coordinator;

(2) A class 37 guidance counselor or school counselor;

(3) A class 38 guidance counselor designate;

(4) A class 40 instructional programmer;

(5) A class 41 library media specialist;

(6) A class 56 pupil personnel service provider;

(7) A class 59 school psychologist;

(8) A class 62 speech-language pathologist;

(9) A class 68 supervisor;

(10) A class 70 teacher or special education teacher; or

(11) A class 72 tutor in training.

SECTION 7. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, 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 ~~one~~ two hundred~~forty-five~~ eighty-three dollars. The per student payment to which each school district is entitled for the second year of the biennium is two thousand ~~two~~ three hundred~~thirty~~ forty-three 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 8. AMENDMENT. Section 15.1-27-05 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

15.1-27-05. School district equalization factor. To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition apportionment payments, per student payments, special education aid, ~~and~~ transportation aid, and teacher compensation payments for which a school district is eligible and from that total subtract the following:

1. The product of thirty-two mills times the latest available net assessed and equalized valuation of property in the district.

2. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of ~~seventy-five~~ fifty percent of its actual expenditures, plus twenty thousand dollars.

SECTION 9. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Definitions. For purposes of sections 10 through 12 of this Act:

1. "Compensation" includes all salaries, benefits, commissions, memberships, the provision of housing, the provision of vehicles, and any other payments, in lieu of payments, or services, reportable as gross income under the Internal Revenue Code.

2. "Teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who is employed by the board of a school district in a position classified by the superintendent of public instruction as of July 1, 2001, as:

   a. A class 22 coordinator;

   b. A class 37 guidance counselor or school counselor;

   c. A class 38 guidance counselor designate;

   d. A class 40 instructional programmer;

   e. A class 41 library media specialist;

   f. A class 56 pupil personnel service provider;

   g. A class 59 school psychologist;

   h. A class 62 speech-language pathologist;

   i. A class 68 supervisor;

   j. A class 70 teacher or special education teacher; or

   k. A class 72 tutor in training.

SECTION 10. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Claim for reimbursement - Rules.

1. On or before October first of each year or within thirty days after the conclusion of the negotiation process provided for in chapter 15.1-16, the board of a school district may file a claim with the superintendent of public instruction for the reimbursement of moneys to be expended by the district during the school year to increase the compensation of teachers employed by the district.

2. The claim must include:

a. The number of full-time equivalent teachers employed by the district as of September fifteenth;

b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and

c. The total amount of the increase in compensation.

3. For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001. For the 2002-03 school year, the reimbursement provided for in this section may not exceed three thousand dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.

4. For purposes of this section, the claim of a district may include proportionate expenditures made by the district to compensate individuals employed as teachers by the special education unit or the area vocational and technology center to which the district belongs.

5. The superintendent of public instruction may adopt rules regarding claims for and the payment of reimbursements under this section.

SECTION 11. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Compensation of teachers - Distribution of reimbursements. The superintendent of public instruction shall distribute approximately one-sixth of the total amount to which each school district is entitled under section 10 of this Act on or before the first day of each November, December, January, February, March, and May.

SECTION 12. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Annual salary - Minimum amount.Beginning with the 2001-02 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a level of salary for the contract period equal to at least eighteen thousand five hundred dollars. Beginning with the 2002-03 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a base salary level for the contract period equal to twenty thousand dollars.

SECTION 13. AMENDMENT. Section 57-15-27 of the North Dakota Century Code is amended and reenacted as follows:

57-15-27. Interim fund. The governing body of any county, city, ~~school district,~~ park district, or ~~other~~ municipality, other than a school district, which is authorized to levy taxes may include in its budget an item to be known as the "interim fund" which must be carried over to the next ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the municipality may be legally extended, for that portion of such fiscal year prior to the receipt of taxes therein. In no case may ~~such~~ the interim fund be in excess of the amount reasonably required to finance the municipality for the first nine months of the next ensuing fiscal year. ~~Such~~ The interim fund may not be in excess of three-fourths of the current annual appropriation for all purposes other than debt retirement purposes and appropriations financed from bond sources ~~and, for school districts, an additional twenty thousand dollars~~.

SECTION 14. CONTINGENT PAYMENT - DECLINING ENROLLMENT.

1. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the first year of the 2001-03 biennium by an amount sufficient to provide for a distribution of one hundred fifty dollars times the number of students by which each district's 2000-01 fall enrollment is less than the district's 1997-98 fall enrollment, the superintendent shall distribute one hundred fifty dollars times the number of students by which a

district's 2000-01 fall enrollment is less than that district's 1997-98 fall enrollment.

2. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, does not exceed the estimated expenditure for per student payments during the first year of the 2001-03 biennium by the amount required for a payment under subsection 1, the superintendent may not distribute any amounts under subsection 1.

3. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the second year of the 2001-03 biennium, the superintendent shall distribute two hundred fifty dollars times the number of students by which a district's 2000-01 fall enrollment is less than that district's 1997-98 fall enrollment, or a lesser proportionate amount if the amount available is insufficient to provide for a distribution of two hundred fifty dollars times the number of students by which each district's 2000-01 fall enrollment is less than the district's 1997-98 fall enrollment.

4. No school district may receive payments for declining enrollments in excess of four hundred students under this section.

5. During the 2001-03 biennium, no school district may receive more than two hundred fifty dollars times the number of students by which the district's 2000-01 fall enrollment is less than that district's 1997-98 fall enrollment.

SECTION 15. DISTRIBUTION OF DIFFERENCE IN PAYMENT AMOUNTS - HOLD HARMLESS.

1. The superintendent of public instruction shall calculate the payment to which a school district is entitled during each year of the 2001-03 biennium under this Act.

2. The superintendent of public instruction shall calculate the payment to which a school district would have been entitled during each year of the 2001-03 biennium under this Act if the per student payment established in section 15-40.1-06 or section 7 of this Act for the first year of the biennium were two thousand four hundred thirty-nine dollars and for the second year of the biennium were two thousand five hundred two dollars and if no level of teacher compensation were established in this Act.

3. a. If the amount to which a school district is entitled during the first year of the biennium under this Act does not exceed the amount to which a school district would have been entitled under the parameters of subsection 2, the superintendent of public instruction shall forward the difference between the amounts to the school district on or before June 30, 2002.

   b. If the amount to which a school district is entitled during the second year of the biennium under this Act does not exceed the amount to which a school district would have been entitled under the parameters of subsection 2, the superintendent of public instruction shall forward the difference between the amounts to the school district on or before June 30. 2003.

SECTION 16. APPROPRIATION - GRANTS FOR NATIONAL TEACHER CERTIFICATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $23,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of making grants to assist teachers in obtaining national certification, for the biennium beginning July 1, 2001, and ending June 30, 2003.

2. 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 may file an application with the board for a grant to assist with the cost of obtaining national teacher certification after July 1, 2001.

3. The education standards and practices board shall review each application chronologically.

4. A successful applicant is eligible to receive a grant in the amount of $1,150 to assist with the assessment costs of national teacher certification.

5. At the conclusion of each of the first four full school years after the individual obtains the national teacher certification, the individual is entitled to receive an additional $1,500, if:

   a. The individual served during the school year as a full-time classroom teacher in a public school in this state; and

   b. The individual participated in any efforts of the employing school district to develop and implement teacher mentoring programs and teacher evaluation programs.

SECTION 17. TEACHER COMPENSATION PACKAGE - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying the feasibility and desirability of implementing a teacher compensation package that recognizes four levels of teachers from beginning to advanced and which bases the compensation level for each category on the individual teacher's ability to meet or exceed district standards for content knowledge, planning and preparation for instruction, instructional delivery, student assessment, classroom management, and professional responsibility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 18. LEGISLATIVE INTENT - GOALS OF SCHOOL DISTRICT REORGANIZATION. It is the intent of the fifty-seventh legislative assembly that each reorganization of school districts result in a newly formed district that has long-term sustainability from a demographic and fiscal perspective and that can offer to current students and to students in the foreseeable future academic integrity and educational opportunities designed to enhance the students' natural talents and curiosities and ultimately enhance their lives, their career choices, and their ability to contribute to the society in which they find themselves as adults. It is the further intent of the fifty-seventh legislative assembly that the state board of public school education maintain cognizance of the fact that meeting these goals requires school districts participating in a reorganization to include at least one district that offers educational services to all its students from kindergarten through grade twelve and consists of a student population equaling at least two hundred twenty-five.

SECTION 19. LEGISLATIVE COUNCIL STUDY - APPOINTMENT OF COMMITTEE - CONSULTANT. The legislative council shall appoint a nine-member committee consisting of members of the house of representatives and the senate to study the current structure of school districts, special education units, and vocational education units, and options for the reorganization of such entities, giving appropriate consideration to current and future funding at the state and local level, taxable valuation, mill levies, land mass, transportation, and educational curriculum. The legislative council shall employ a consultant to assist with the study. The consultant, together with the superintendent of public instruction, shall evaluate the current structure of school districts, special education units, and vocational education units, and shall, on or before May 1, 2002, present to the committee options for the reorganization of such entities. The legislative council shall present its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 20. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the legislative council for the purpose of employing a consultant to develop a proposal for the reorganization of school districts, special education units, and vocational education units, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 21. APPROPRIATION - SCHOOL DISTRICT COMPENSATION REPORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $200,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of developing and implementing a school district employee compensation report as provided in section 6 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 22. EFFECTIVE DATE. Subdivision b of subsection 3 of section 15-40.1-06 of the North Dakota Century Code as amended by section 1 of this Act, subsection 2 of section 15.1-27-05 of the North Dakota Century Code as amended by section 8 of this Act, and section 13 of this Act become effective on July 1, 2004."

Renumber accordingly

SIXTH ORDER OF BUSINESS

HB 1344, as reengrossed: REP. R. KELSCH (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS,** which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to provide contingent payments for declining enrollment and the distribution of differing payment amounts; to create and enact four new sections to chapter 15-40.1 and one new section to chapter 15.1-02 of the North Dakota Century Code or in the alternative to create and enact four new sections to chapter 15.1-27 of the North Dakota Century Code, relating to the compensation of teachers and a school district compensation report; to amend and reenact sections 15-40.1-06 and 57-15-27 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-04 and 15.1-27-05 of the North Dakota Century Code, relating to per student payments and ending fund balances; to provide legislative intent; to provide for a legislative council study; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Lemieux; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Fairfield; Froelich; Glassheim; Gulleson; Kroeber; Maragos; Wentz; Winrich

ABSENT AND NOT VOTING: Jensen; Johnson, D.; Kerzman; Koppelman; Lloyd; Ruby; Schmidt

Reengrossed HB 1344 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: HB 1012, HB 1020, HB 1321.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2011.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2088.

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

MR. SPEAKER: The President has signed: HB 1301, HB 1326.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2043, SB 2345.

SIGNING OF BILLS AND RESOLUTIONS
The Speaker signed the following enrolled bills: SB 2043, SB 2354.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2043, SB 2354.

SIGNING OF BILLS AND RESOLUTIONS
The Speaker signed the following enrolled bill: SB 2088.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2088.

SIGNING OF BILLS AND RESOLUTIONS
The Speaker signed the following enrolled bills: HB 1012, HB 1020, HB 1321.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1012, HB 1020, HB 1321.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 27, 2001: HB 1012, HB 1020, HB 1321.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 27, 2001: HB 1301, HB 1326.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2020.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3073.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1045.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1006.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2159.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2011.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1399.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2020.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently reconsidered its action whereby HB 1344 passed.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3073.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2011.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Saturday, April 28, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk