

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, January 24, 2005

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present except Senator Kringstad.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 961, line 32, after "**DO**" insert "**NOT**"

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

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1321 be placed at the bottom of the Sixth order, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended and that after action taken on the Sixth order, HB 1321 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1231, as engrossed: SEN. WARNER (Human Services Committee) MOVED** that the amendments on SJ pages 976-977 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1291, as engrossed: SEN. ERBELE (Agriculture Committee) MOVED** that the amendments on SJ pages 977-978 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1348: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ pages 981-982 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1473, as reengrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 982 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HCR 3017: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 982 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1321: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 978-981 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1321:** A BILL for an Act to amend and reenact sections 13-08-01, 13-08-06, and 13-08-12 of the North Dakota Century Code, relating to deferred presentment service transaction procedures and limitations; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Fairfield

**ABSENT AND NOT VOTING:** Kringstad

HB 1321, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1089:** A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to games of chance license fees.

**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 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Brown; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Lee, J.; Lyson; Schobinger; Stenehjerm; Syverson; Tollefson; Traynor; Urlacher; Wardner

**NAYS:** Bercier; Bowman; Espegard; Every; Fairfield; Heitkamp; Klein; Krauter; Lee, G.; Lindaas; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Seymour; Tallackson; Taylor; Thane; Trenbeath; Triplett; Warner

**ABSENT AND NOT VOTING:** Kringstad

HB 1089 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1239:** A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to offroad hunting.

**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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Fischer; Flakoll; Freborg; Hacker; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nothing; Schobinger; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner; Warner

**NAYS:** Dever; Every; Fairfield; Grindberg; Heitkamp; Kilzer; Mathern; Nelson; O'Connell; Robinson; Seymour; Syverson; Triplett

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1239, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to amend and reenact subsection 14 of section 49-21-01.7 and section 49-21-25 of the North Dakota Century Code, relating to numbering resource authority and unauthorized telecommunications services.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

HB 1105, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1195:** A BILL for an Act to create and enact a new section to chapter 52-04 and sections 52-04-08.1 and 52-04-08.2 of the North Dakota Century Code, relating to definitions, employer restructuring activities, and transfers of unemployment insurance tax account reserve history; to amend and reenact section 52-04-08 of the North Dakota Century Code, relating to transfer of unemployment insurance employer experience history to successor entities and the transfer of workforce to other entities; to provide for a legislative council study; 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 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Kringstad

HB 1195, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1177:** A BILL for an Act to amend and reenact sections 54-44.1-11 and 55-02-09 of the North Dakota Century Code, relating to the use of unexpended appropriations for the state historical society.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1177 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1174:** A BILL for an Act to create and enact chapter 13-09 of the North Dakota Century Code, relating to licensing, reports, and examination of money transmitters; to amend and reenact subsection 1 of section 6-01-01.1 of the North Dakota Century Code, relating to the financial institutions regulatory fund; to repeal chapter 51-17 of the North Dakota Century Code, relating to the licensing of check sellers; to provide a penalty; to provide an appropriation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1174 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1181:** A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to funds designated for funeral expenses and eligibility for medical assistance; and to direct the department of human services to seek a waiver.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed HB 1181, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1489:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to school reporting of student progress and achievement.

**ROLL CALL**

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

**YEAS:** Cook; Kilzer; Mutch; Schobinger; Wardner

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1489, as amended, lost.

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**SECOND READING OF HOUSE BILL**

**HB 1496:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of hydrogen and production, storage, and transportation equipment used by a facility engaged in hydrogen generation and a special fuels tax exemption for the sale of hydrogen; to provide an effective date; and 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Bowman; Cook; Mutch; Schobinger

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1496, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to create and enact a new chapter 41-07 and subsection 7 of section 41-08-03 of the North Dakota Century Code, relating to Uniform Commercial Code Article 7 - Documents of Title; to amend and reenact subsections 5, 6, 10, 14, 15, 20, 25, 26, 27, 38, and 45 of section 41-01-11, subsection 3 of section 41-02-03, subsection 2 of section 41-02-04, subsection 3 of section 41-02-27, subsection 2 of section 41-02-40, subsection 3 of section 41-02-46, subsections 4 and 5 of section 41-02-51, section 41-02-53, subsection 2 of section 41-02-54, subsection 2 of section 41-02-57, subsection 2 of section 41-02-68, section 41-02-84, subdivisions a and o of subsection 1 of section 41-02.1-03, subsection 2 of section 41-02.1-62, subdivision c of subsection 2 of section 41-02.1-74, subsection 3 of section 41-04-04, subsection 3 of section 41-04-22, subsection 2 of section 41-09-02, paragraph 4 of subdivision c of subsection 2 of section 41-09-13, subsection 3 of section 41-09-17, subsection 2 of section 41-09-18, subsection 3 of section 41-09-21, subdivisions e and h of subsection 2 of section 41-09-30, subsection 5 of section 41-09-32, subsection 1 of section 41-09-33, subsections 1 and 2 of section 41-09-34, subsections 2 and 4 of section 41-09-37, subsection 2 of section 41-09-58, and subsection 2 of section 41-09-98 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal chapter 41-07 of the North Dakota Century Code, relating to Uniform Commercial Code Article 7 - Documents of Title; and to provide for an application.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

HB 1151 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to amend and reenact subsection 1 of section 10-30.1-05, section 10-30.2-12, subsection 4 of section 10-33-124, subsection 5 of section 11-37-08, subsections 1 and 3 of section 40-63-04, section 40-63-06, subsection 4 of section 40-63-07, subsections 1 and 2 of section 57-38-01.7, subsections 1 and 4 of section 57-38-01.8, sections 57-38-01.14, 57-38-01.16, and 57-38-01.17, subsection 1 of section 57-38-01.20, and sections 57-38.5-03 and 57-38.6-03 of the North Dakota Century Code, relating to elimination of the optional long-form income tax return; to repeal subsection 2 of section 10-30.1-01, sections 57-38-01.2, 57-38-01.18, 57-38-02, 57-38-03, 57-38-06.1, 57-38-29, 57-38-29.2, and 57-38-30.4, subsection 2 of section 57-38-31, and sections 57-38-67, 57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to elimination of the optional long-form income tax return; 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 NOT PASS, the roll was called and there were 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Every; Fairfield; Hacker; Kilzer; Lee, G.; Mathern; Nelson; Tallackson; Taylor; Triplett; Warner

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Kringstad

HB 1155 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1409:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-08 of the North Dakota Century Code, relating to restitution.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Holmberg; Kringstad

Engrossed HB 1409 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1386:** A BILL for an Act to provide for mandatory alternative dispute resolution for professional malpractice claims; to amend and reenact section 32-42-01 of the North Dakota Century Code, relating to alternative dispute resolution definitions; to repeal sections 32-42-03 and 32-42-04 of the North Dakota Century Code, relating to alternative dispute resolution; 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 NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Kilzer; Mutch; Syverson

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Klein;

Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1386 lost.

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

**HB 1418:** A BILL for an Act to amend and reenact section 12.1-29-03 of the North Dakota Century Code, relating to prostitution; and to provide a penalty.

#### **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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed HB 1418 passed and the title was agreed to.

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

**HB 1305:** A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 2 of section 51-25-02 of the North Dakota Century Code, relating to release of escrow funds deposited by tobacco product manufacturers; and to provide a savings clause.

#### **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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

HB 1305 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3032:** A concurrent resolution urging the President of the United States and Congress to evaluate carefully the impact of any proposed budget cuts on the men, women, and children of this state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3032 was declared lost on a voice vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3053:** A concurrent resolution directing the Legislative Council to study the role of the state in reviewing and approving various postsecondary skill development programs.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3053 was declared lost on a voice vote.

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#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2181, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby SB 2297 passed, and also the action whereby it did concur in the House amendments to SB 2297, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. CHRISTMANN MOVED** that the Senate do not concur in the House amendments to SB 2297, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2297: Sens. Dever, Lyson, Warner.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2179 as printed on SJ pages 897-898 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2179: Sens. Espgaard, Krebsbach, Heitkamp.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to SB 2237 as printed on SJ page 873 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2237: Sens. Wardner, Traynor, Heitkamp.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2195 as printed on SJ page 896, which motion prevailed on a voice vote.

Engrossed SB 2195, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2195:** A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to reimbursement of lodging expenses and allowances for meals for state and political subdivision officers and employees.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed SB 2195 passed and the title was agreed to.



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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2215 as printed on SJ page 927, which motion prevailed on a voice vote.

Engrossed SB 2215, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2215:** A BILL for an Act to provide for a legislative council study relating to private sector employers securing health insurance through health insurance pools.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed SB 2215 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2216 as printed on SJ page 896, which motion prevailed on a voice vote.

Engrossed SB 2216, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2216:** A BILL for an Act to create and enact section 49-21-10.3 of the North Dakota Century Code, relating to complaints against telecommunications companies; to amend and reenact sections 49-02-01.1, 49-21-01, 49-21-01.1, 49-21-01.3, 49-21-01.7, 49-21-02.2, and 49-21-10.2 of the North Dakota Century Code, relating to telecommunications regulation; and to repeal sections 49-21-04.1, 49-21-08, 49-21-14, 49-21-15, 49-21-17, 49-21-18, and 49-21-20 of the North Dakota Century Code, relating to telecommunications regulation.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed SB 2216 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2246 as printed on SJ page 830, which motion prevailed on a voice vote.

Engrossed SB 2246, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2246:** A BILL for an Act to amend and reenact section 39-18-03.2 of the North Dakota Century Code, relating to park model trailers; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed SB 2246 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2282 as printed on SJ pages 873-874, which motion prevailed on a voice vote.

Engrossed SB 2282, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2282:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to accident and health insurance issuer independent external review requirements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Kringstad; Warner

Reengrossed SB 2282 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2326 as printed on SJ page 930, which motion prevailed on a voice vote.

Engrossed SB 2326, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2326:** A BILL for an Act to amend and reenact sections 4-10-01 and 4-10-06.3 of the North Dakota Century Code, relating to seed potato certification requirements; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Reengrossed SB 2326 passed, the title was agreed to, and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it passed and also the action by which it did concur with the House amendments to SB 2297 and subsequently does not concur with the House amendment to SB 2297, and the President has appointed as a conference committee to meet with a like committee from the House on:

**SB 2297:** Dever; Lyson; Warner

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2179 and SB 2237 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2179:** Sens. Espegard; Krebsbach; Heitkamp

**SB 2237:** Sens. Wardner; Traynor; Heitkamp

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2195, SB 2215, SB 2216, SB 2246, SB 2282, and SB 2326.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1151, HB 1174, HB 1177, HB 1305, HB 1409, HB 1418.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1105, HB 1195, HB 1239, HB 1496.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1321.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1155, HB 1386, HCR 3032, HCR 3051, HCR 3053.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed: HB 1489.

**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 1223.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2278.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2102.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2102**

Page 1, line 7, after "second" insert "or subsequent"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2026.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2026**

In lieu of the amendments adopted by the House as printed on pages 1002 and 1003 of the House Journal, Engrossed Senate Bill No. 2026 is amended as follows:

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

Page 1, line 20, overstrike "insurance indicating liability coverage, as"

Page 1, line 21, overstrike "proof that the applicant has secured", overstrike the comma, and remove "a bond, or a letter of credit"

Page 2, line 1, remove "If a bond or letter of credit is provided in lieu of liability"

Page 2, remove lines 2 through 6

Page 2, line 7, remove "for a class D license."

Page 2, line 29, remove ", a bond, or a letter of credit"

Page 3, line 31, overstrike "insurance"

Page 4, line 1, overstrike "indicating liability coverage as proof that the applicant has secured"

Page 4, line 2, remove ", a"

Page 4, line 3, remove "bond, or a letter of credit"

Page 5, line 11, after "excuse" insert "after a deposit of money or other consideration has been provided to the licensee"

Page 6, after line 29, insert:

**"SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2395.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2395**

In lieu of the amendments adopted by the House as printed on pages 901 and 902 of the House Journal, Reengrossed Senate Bill No. 2395 is amended as follows:

Page 1, line 6, after the first semicolon insert "to provide for a report to the legislative council;"

Page 1, line 17, after "Services" insert "- Definitions", after the boldfaced underscored period insert "1.", and after "provide" insert "payment of a maximum of fifty thousand dollars per child per biennium for"

Page 1, line 18, remove "coverage for" and replace "under" with "through"

Page 1, line 20, remove "treatment"

Page 1, line 22, remove "treatment"

Page 1, line 23, remove "readily available employer-based" and after "insurance" insert "available to the parent on a group basis or through an employer or union"

Page 2, line 1, replace "There may be no" with:

"2. For purposes of this section:

- a. "Growth hormone treatment" means a drug prescribed by a physician or other licensed practitioner for the long-term treatment of growth failure, the supplies necessary to administer the drug, one out-of-state physician visit per year to obtain expert consultation for the management of Russell-Silver syndrome, appropriate in-state physician visits, and the travel expenses associated with physician visits for the child and one parent.
- b. "Medical food" means a formula that is intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation and is formulated to be consumed or administered under the direction of a physician as well

as any medical procedure and supplies necessary for assimilation of the formula."

Page 2, remove line 2

Page 2, line 5, remove "The department shall"

Page 2, remove lines 6 through 10

Page 2, line 11, remove "machine, enteral or parenteral nutrition support, or continuous oxygen."

Page 2, line 13, remove "**CHILD**"

Page 2, line 16, after "institutionalization" insert "; the comprehensive health association of North Dakota program provided for under chapter 26.1-08, including contracting for a cost-benefit analysis of this program; and the state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed" and remove "The legislative council may assign"

Page 2, line 17, remove "portions of this study to appropriate interim committees."

Page 2, after line 19, insert:

**"SECTION 5. REPORT TO LEGISLATIVE COUNCIL.** During the 2005-06 interim, the department shall report to the legislative council regarding the status of the medicaid waiver to provide in-home services under section 3 of this Act, the number of applications the department receives for the in-home services, and the status of the program's appropriation."

Page 2, line 21, replace "\$135,000" with "\$150,000"

Page 2, line 23, remove "treatment"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2333.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2374.

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

**MR. SPEAKER:** The President has signed: HB 1041, HB 1052, HB 1064, HB 1086, HB 1091, HB 1156, HB 1161, HB 1165, HB 1178, HB 1186, HB 1193, HB 1211, HB 1225, HB 1241, HB 1263, HB 1383, HB 1413.

**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 2058, SB 2115, SB 2138, SB 2236, SB 2239, SB 2244, SB 2248, SB 2268, SB 2288, SB 2311, SB 2346, SB 2353, SCR 4028, SCR 4029, SCR 4037, SCR 4038.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1130, HB 1279, HB 1431, HB 1511, HB 1517.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 24, 2005: SB 2074, SB 2076, SB 2082, SB 2094, SB 2121, SB 2132, SB 2150, SB 2158, SB 2162, SB 2167, SB 2194, SB 2201, SB 2209, SB 2220, SB 2231, SB 2252, SB 2260, SB 2293, SB 2295, SB 2338, SB 2349, SB 2351, SB 2401.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 24, 2005: SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4016, SCR 4019, SCR 4024, SCR 4026, SCR 4027, SCR 4031, SCR 4032, SCR 4033.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 11:00 a.m., Friday, March 25, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2413: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2413 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1119, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1119 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1120, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1120 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1154, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed 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 create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-27 of the North Dakota Century Code, relating to educational association board compensation and teacher compensation levels; to amend and reenact sections 15.1-07-28, 15.1-27-04, 15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-11, 15.1-27-15, 15.1-27-37, 15.1-27-40, 15.1-28-03, 15.1-29-02, and 15.1-31-03 of the North Dakota Century Code and section 37 of chapter 667 of the 2003 Session Laws, relating to per student payments, supplemental payments, tuition apportionment, teacher compensation, and contingent payments; to repeal sections 15.1-09-42, 15.1-12-11.1, 15.1-12-11.2, 15.1-27-36, 15.1-27-37, and 15.1-27-38 of the North Dakota Century Code, relating to educational meetings, reorganization bonuses, and teacher compensation; to provide for the distribution of transportation grants; to provide for contingent payments; to provide an appropriation; to provide an effective date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 15.1-07-28 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-28. Educational association - Joint powers agreement - Approval Review by superintendent of public instruction - Criteria.** ~~¶ Before school districts participating in an educational association governed by a joint powers agreement under chapter 54-40.3 wish to agree, the school districts must request that the superintendent of public instruction approve their joint powers agreement. In order for the superintendent of public instruction to approve a joint powers agreement, the superintendent shall determine and annually and verify that:~~

1. a. ~~The participating school districts are contiguous; and~~
- b. ~~(1) The participating in the agreement have:~~
  - a. ~~A combined total land mass of the participating school districts exceeds four at least five thousand eight hundred square miles [4035995 1502193 hectares];~~
  - (2) ~~The~~

- b. ~~A combined total land mass of the participating school districts exceeds two at least four thousand five hundred square miles [647497 1165494 hectares] and the participating school districts number at least six twelve; or~~

(3) The

- c. ~~A combined total land mass of the participating school districts exceeds two at least four thousand five hundred square miles [1035995 hectares] and the total number of have at least three thousand students in average daily membership in the participating school districts exceeds two thousand five hundred.~~

2. ~~The joint powers agreement provides that a school district contiguous to any school district already participating in the joint powers agreement may become a participant in the agreement at any time.~~

3. ~~The joint powers agreement requires that the participating school districts agree to maintain a joint operating fund, agree to share administrative functions, or agree to implement various common requirements; provided that:~~

- a. ~~If the participating school districts agree to establish a joint operating fund, the joint powers agreement must require that during the first school year following approval, the participating school districts shall establish a joint operating fund equal to at least two percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; during the second school year following approval, the participating school districts shall establish a joint operating fund equal to at least four percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; and during the fifth school year following approval, the participating school districts shall establish a joint operating fund equal to at least six percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval;~~

- b. ~~If the participating school districts agree to share administrative functions, the joint powers agreement must require that during the first school year following approval, all of the participating districts shall share in the administration of at least three services; during the third school year following approval, all of the participating districts shall share in the administration of at least five services; and during the fifth school year following approval, all of the participating districts shall share in the administration of at least seven services; and that the list from which the participating districts must select the services to be shared consists of:~~

(1) ~~Federal title program management;~~

(2) ~~Staff development;~~

(3) ~~Special education delivery;~~

(4) ~~Curriculum development or delivery;~~

(5) ~~Career and technical education delivery;~~

(6) ~~Student instructional support;~~

(7) ~~Media and technology;~~

(8) ~~Business management;~~

(9) ~~Distance learning;~~

(10) ~~Student counseling;~~

(11) ~~Food and nutrition;~~

- (12) ~~Facility safety and health;~~
  - (13) ~~School accreditation and improvement; and~~
  - (14) ~~Transportation; and~~
- e. ~~If the participating school districts agree to implement various common requirements, the joint powers agreement must require that during the first school year following approval, all of the participating districts shall implement at least three requirements; during the third school year following approval, all of the participating districts shall implement at least six requirements; and during the fifth school year following approval, all of the participating districts shall implement at least eight requirements; and that the list from which the participating districts must select the requirements to be implemented consists of:~~
- (1) ~~A common school calendar;~~
  - (2) ~~A common class schedule;~~
  - (3) ~~A common intranet communication system;~~
  - (4) ~~A common class registration process for grades seven through twelve;~~
  - (5) ~~A common curriculum for each grade level from kindergarten through six;~~
  - (6) ~~A common student data system;~~
  - (7) ~~A common school improvement and staff development process;~~
  - (8) ~~Common services, as set forth in a five year plan;~~
  - (9) ~~A school facilities plan; and~~
  - (10) ~~Joint funding of dual credit and advance placement courses.; or~~
- d. A combined total land mass of at least one thousand five hundred square miles [388498 hectares] and have at least seven thousand five hundred students in average daily membership.
2. The school districts participating in the agreement are contiguous to each other or, if the districts are not contiguous to each other, the superintendent of public instruction shall verify that the participating districts can provide sound educational opportunities to their students in a fiscally responsible manner without injuring other school districts or educational associations governed by joint powers agreements and without negatively impacting the ability of other school districts or educational associations governed by joint powers agreements from providing sound educational opportunities to their students in a fiscally responsible manner. A decision by the superintendent of public instruction under this subsection may be appealed to the state board of public school education. A decision by the state board is final.
3. The joint powers agreement requires that the participating school districts maintain a joint operating fund and share various administrative functions and student services in accordance with subsection 4.
4. a. During the first two school years in which an educational association governed by a joint powers agreement is operational, each of the participating school districts shall share in at least two administrative functions and two student services, selected by the district.
- b. During the third and fourth school years in which an educational association governed by a joint powers agreement is operational, each of the participating school districts shall share in at least three administrative functions and three student services, selected by the district.



- c. During the fifth school year in which an educational association governed by a joint powers agreement is operational, and each year thereafter, each participating school district shall share at least five administrative functions and five student services, selected by the district.
- d. For purposes of this subsection:
  - (1) "Administrative functions" means:
    - (a) Business management;
    - (b) Career and technical education services management;
    - (c) Curriculum mapping or development;
    - (d) Data analysis;
    - (e) Federal program support;
    - (f) Federal title program management;
    - (g) Grant writing;
    - (h) School improvement;
    - (i) School safety and environment management;
    - (j) Special education services management;
    - (k) Staff development;
    - (l) Staff retention and recruitment;
    - (m) Staff sharing;
    - (n) Technology support; and
    - (o) Any other functions approved by the superintendent of public instruction.
  - (2) Student services means:
    - (a) Advanced placement classes;
    - (b) Alternative high schools or alternative high school programs;
    - (c) Career and technical education classes;
    - (d) Counseling services;
    - (e) Common elementary curricula;
    - (f) Distance learning classes;
    - (g) Dual credit classes;
    - (h) Foreign language classes;
    - (i) Library and media services;
    - (j) Summer programs;
    - (k) Supplemental instruction programs; and
    - (l) Any other services approved by the superintendent of public instruction.

- e. For purposes of this subsection, if an educational association governed by a joint powers agreement became operational before July 1, 2005, the 2005-06 school year must be considered the association's first year of operation.
- 5. The joint powers agreement provides:
  - a. Criteria for the future participation of school districts that were not parties to the original joint powers agreement;
  - b. An application process by which school districts that were not parties to the original joint powers agreement can become participating districts; and
  - c. A process by which school districts that were not parties to the original joint powers agreement and whose application to participate in the agreement was denied can appeal the decision to the superintendent of public instruction.
- 4. 6. The joint powers agreement provides for the employment and compensation of ~~a chief administrator and other~~ any staff necessary to carry out the provisions of the agreement and the requirements of this ~~section and section 15.1-27-37~~ Act.
- 7. The joint powers agreement provides for a governing board that consists only of individuals who serve on the boards of the participating school districts or designees of the respective school board members, provided however that a joint powers agreement may allow for the inclusion of ex officio nonvoting members on the educational association's board.
- 8. The joint powers agreement provides that the board of the educational association shall meet at least quarterly.
- 9. The joint powers agreement does not permit the educational association to compensate members of the educational association board for attending meetings of the board and that it does not permit the educational association to reimburse members of the board for any expenses incurred in attending meetings of the educational association board.

**SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

**Compensation - Reimbursement - Extraordinary service.** The board of an educational association established under section 15.1-07-28 may provide compensation and reimbursement to any board member who, at the direction of the board, performs extraordinary service on behalf of the board. For purposes of this section, "extraordinary service" means duties beyond those reasonably expected of members of the board and includes travel to and attendance at national meetings or conventions.

**SECTION 3. 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~~ nine hundred ~~nine~~ dollars. The per student payment to which each school district is entitled for the second year of the biennium is ~~two three thousand six hundred twenty three~~ fifteen 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 4. AMENDMENT.** Section 15.1-27-05 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-05. (Effective through June 30, 2008) School district equalization factor.**

- 1. To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition ~~apportionment fund~~ payments, per student payments, special education aid, transportation aid,

and teacher compensation payments for which a school district is eligible and from that total subtract the following:

- a. The product of thirty-six mills times the taxable valuation of property in the district;
  - b. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars; and
  - c. If the mills levied by the district for general fund purposes, plus the mills levied for high school transportation and high school tuition purposes are fewer than one hundred forty, the number of mills by which the district's levies are below one hundred forty multiplied by the taxable valuation of property in the district.
2. Beginning July 1, 2006, and each year thereafter, the number of mills used by the superintendent of public instruction in determining the product required by subdivision a of subsection 1 must be increased by ~~two~~ three over the number of mills used in determining the product required by that subdivision the previous year.

**(Effective after June 30, 2008) School district equalization factor.**

1. To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition ~~apportionment~~ fund payments, per student payments, special education aid, transportation aid, and teacher compensation payments for which a school district is eligible and from that total subtract the following:
  - a. The product of the number of mills prescribed in subsection 2 times the taxable valuation of property in the district;
  - b. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars; and
  - c. If the mills levied by the district for general fund purposes, plus the mills levied for high school transportation and high school tuition purposes are fewer than one hundred forty, the number of mills by which the district's levies are below one hundred forty multiplied by the taxable valuation of property in the district.
2. The number of mills used by the superintendent of public instruction in determining the product required by subdivision a of subsection 1 must be increased by ~~two~~ three over the number of mills used in determining the product required by that subdivision the previous year.

**SECTION 5. 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 6. 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.

- 1. ~~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.~~
- ~~c. 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 4.01 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 4.01 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 7. AMENDMENT.** Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-11. High school districts - Supplemental payments.**

- 1. The superintendent of public instruction shall calculate the average valuation of property per student by dividing the number of students in average daily membership in grades one through twelve in a high school district into the sum of:
  - a. The district's latest available net assessed and equalized taxable valuation of property; plus
  - b. All tuition payments and county ~~and unrestricted federal~~ revenue received by the district, divided by the total of the district's general fund levy, high school transportation levy, and high school tuition levy.
- 2. ~~If the~~ The superintendent of public instruction shall verify that:
  - a. The quotient arrived at under subsection 1 is less than the latest available statewide average taxable valuation per student and if the;
  - b. The district's educational expenditure per student is below the most recent available statewide average cost of education per student;
  - c. The district has a general fund levy of at least one hundred eighty mills; and
  - d. The district's unobligated general fund balance on the preceding June thirtieth is not in excess of thirty-five percent of its actual expenditures, plus twenty thousand dollars.
- 3. If the superintendent of public instruction determines that the district meets all the requirements of subsection 2, the superintendent of ~~public instruction~~ shall:
  - a. Determine the difference between the latest available statewide average taxable valuation per student and the average taxable valuation per student in the high school district;

- b. Multiply the result determined under subdivision a by the number of students in average daily membership in grades one through twelve in the high school district;
  - c. Multiply the result determined under subdivision b by the number of general fund mills levied by the district in excess of one hundred fifty, provided that any mills levied by the district which are in excess of two hundred ten may not be used in this calculation; and
  - d. Multiply the result determined under subdivision c by a factor calculated by the superintendent of public instruction to result in the expenditure, over the course of the biennium, of the full amount provided for the purpose of this section.
- e. 4. The result of the calculations under this section is the supplemental payment to which a high school district is entitled, in addition to any other amount provided under chapter 15.1-27.

**SECTION 8. 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 9. AMENDMENT.** Section 15.1-27-37 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-37. 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 at least maintain the level of compensation provided to teachers employed by the district during the ~~2002-03~~ preceding school year.
2. The claim must include:
  - a. The number of full-time equivalent teachers employed by the district as of September fifteenth of the current school year;
  - b. The number of full-time equivalent teachers whose level of compensation will be at least equal to that provided during the ~~2002-03~~ preceding school year; and
  - c. The total amount of any compensation increases provided to full-time equivalent teachers over the level of compensation provided during the ~~2002-03~~ preceding school year.
3. a. For the ~~2003-04~~ 2005-06 school year, the reimbursement provided for in this section may not exceed ~~three~~ two thousand ~~four~~ hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, ~~2003~~ 2005. The



superintendent of public instruction shall distribute an amount equal to six hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2005, in the same manner as per student payments under chapter 15.1-27.

- b. For the ~~2004-05~~ 2006-07 school year, the reimbursement provided for in this section may not exceed ~~three~~ one thousand eight hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, ~~2004~~ 2006. The superintendent of public instruction shall distribute an amount equal to one thousand two hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2006, in the same manner as per student payments under chapter 15.1-27.
- c. For the 2007-08 school year, the reimbursement provided for in this section may not exceed one thousand two hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2007. The superintendent of public instruction shall distribute an amount equal to one thousand eight hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2007, in the same manner as per student payments under chapter 15.1-27.
- d. For the 2008-09 school year, the reimbursement provided for in this section may not exceed six hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2008. The superintendent of public instruction shall distribute an amount equal to two thousand four hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2008, in the same manner as per student payments under chapter 15.1-27.
- e. For the ~~2003-04~~ 2005-06 school year, the reimbursement under this section for each individual employed as of September 15, ~~2003~~ 2005, as a full-time equivalent teacher for the first school year since becoming licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, may not exceed ~~one thousand~~ eight hundred dollars. The superintendent of public instruction shall distribute an amount equal to two hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2005, in the same manner as per student payments under chapter 15.1-27.
- d. f. For the ~~2004-05~~ 2006-07 school year, the reimbursement under this section for each individual employed as of September 15, ~~2004~~ 2006, as a full-time equivalent teacher for the first school year since becoming licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, may not exceed ~~one thousand~~ six hundred dollars. The superintendent of public instruction shall distribute an amount equal to four hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2006, in the same manner as per student payments under chapter 15.1-27.
- g. For the 2007-08 school year, the reimbursement under this section for each individual employed as of September 15, 2007, as a full-time equivalent teacher for the first school year since becoming licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, may not exceed four hundred dollars. The superintendent of public instruction shall distribute an amount equal to six hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2007, in the same manner as per student payments under chapter 15.1-27.
- h. For the 2008-09 school year, the reimbursement under this section for each individual employed as of September 15, 2008, as a full-time equivalent teacher for the first school year since becoming licensed to teach by the education standards and practices board or approved to

teach by the education standards and practices board, may not exceed two hundred dollars. The superintendent of public instruction shall distribute an amount equal to eight hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2008, in the same manner as per student payments under chapter 15.1-27.

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

**Annual compensation - Maintenance of prior level.** The amount of compensation paid by the board of a school district to an individual teacher during the 2005-06 school year may not be less than the amount paid to that same teacher during the 2004-05 school year for performing identical services. The amount of compensation paid by the board of a school district to an individual teacher during the 2006-07 school year may not be less than the amount paid to that same teacher during the 2005-06 school year for performing identical services.

**SECTION 11. AMENDMENT.** Section 15.1-27-40 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-40. Approved joint powers agreement - Reimbursement by superintendent of public instruction.**

1. ~~The individual employed as a chief administrator for the purpose of carrying out the provisions of a joint powers agreement and any requirements under section 15.1-07-27 shall~~ executive director of an educational association governed by a joint powers agreement which the superintendent of public instruction has verified as meeting the requirements of section 15.1-07-28 shall annually submit to the superintendent of public instruction, at the time and in the manner designated by the superintendent, receipts for expenses incurred during a school year in delivering services and programs under section 15.1-07-27.
2. ~~The superintendent of public instruction, upon verifying the receipts, shall reimburse the chief administrator of the joint powers agreement for any expenses incurred in delivering services and programs under the auspices of the joint powers agreement as provided in section 15.1-07-27. The reimbursement may not exceed the lesser of:~~
  - a. ~~The total expenses incurred in delivering services and programs under section 15.1-07-27; or~~
  - b. ~~Fifty thousand dollars.~~
3. ~~The chief administrator~~ a report detailing all expenses incurred by the educational association and shall attribute the expenses on a per student basis by participating school district.
2. ~~The executive director shall deposit any moneys received under subsection 2 in the participating districts' by or on behalf of the association into the educational association's joint operating fund.~~
4. ~~The superintendent of public instruction may not provide any reimbursement to a chief administrator under this section unless the joint powers agreement under which the services and programs are delivered has been approved by the superintendent.~~

**SECTION 12. AMENDMENT.** Section 15.1-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-28-03. State tuition fund - ~~Apportionment~~ Payment.**

1. On or before the third Monday in each January, February, March, April, August, September, October, November, and December, the office of management and budget shall certify to the superintendent of public instruction the amount of the state tuition fund. ~~The~~
2. Beginning July 1, 2005, and ending June 30, 2007, the superintendent of public instruction shall apportion:
  - a. Apportion seventy percent of the fund among the school districts of the state in proportion to the number of school-age children residing in each district, as shown by the latest enumeration provided for by law, and pay the amount apportioned to each school district.—The superintendent shall make the payments required by this section at the same time as the per student payments required under chapter 15.1-27; and
  - b. Distribute thirty percent of the fund at the same time and in the same manner as per student payments required under chapter 15.1-27.
3. Beginning July 1, 2007, and ending June 30, 2009, the superintendent of public instruction shall:
  - a. Apportion thirty percent of the fund among the school districts of the state in proportion to the number of school-age children residing in each district, as shown by the latest enumeration provided for by law, and pay the amount apportioned to each school district at the same time as the per student payments required under chapter 15.1-27; and
  - b. Distribute seventy percent of the fund at the same time and in the same manner as per student payments required under chapter 15.1-27.
4. Beginning July 1, 2009, and thereafter, the superintendent of public instruction shall distribute all moneys available in the fund at the same time and in the same manner as per student payments required under chapter 15.1-27.

**SECTION 13. AMENDMENT.** Section 15.1-29-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-02. Education of students in bordering states - Contract - Tuition.**

1. A school district may contract with a school district in a bordering state for the education of students. A contract between school districts must provide for the payment of tuition at an agreed-upon amount.
2. For purposes of per student payments and tuition ~~apportionment~~ fund payments, a student who attends school in a bordering state under a contract provided for by this section is deemed to be in attendance in the student's school district of residence. The student's school district of residence is liable to the school district of the bordering state for payments as provided in the contract.
3. A school district in this state may not agree to accept students from a bordering state unless the tuition payable equals or exceeds the per student payment plus the tuition ~~apportionment~~ fund payment that the district would have received from this state for a student in the same grade if its student had been attending school in the bordering state.

**SECTION 14. 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~~ fund.**

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~~ fund 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 15. AMENDMENT.** Section 37 of chapter 667 of the 2003 Session Laws is amended and reenacted as follows:

**SECTION 37. CONTINGENT PAYMENTS - DISTRIBUTION.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in Senate Bill No. 2013 remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2003, and ending June 30, 2005, the superintendent of public instruction shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall return the first \$759,000 to the state general fund.
2. The superintendent of public instruction shall use the ~~first~~ next \$250,000, or so much of that amount as is necessary, for the purpose of providing reimbursements to the chief administrators of joint powers agreements pursuant to section 19 of this Act.
- ~~2.~~ 3. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as is necessary, for the purpose of providing reorganization bonuses, pursuant to section 15.1-12-11.1, to school districts having reorganizations effective after July 1, 2003, and before July 1, 2005. If insufficient moneys exist to fully meet the requirements of this subsection, the superintendent of public instruction shall prorate the payments according to that percentage of the amount available to which a school district is entitled.
- ~~3.~~ 4. 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 2004-05 school year.

**SECTION 16. TRANSPORTATION GRANTS - DISTRIBUTION.** 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 the state transportation aid payments distributed during the 2003-05 biennium. The superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement for in-city mileage at the rate of fifty cents for schoolbuses having a capacity of ten or more students and reimbursement for vehicles having a capacity of nine or fewer students and transporting students who live outside the incorporated limits of a city at the rate of forty cents per mile. The superintendent of public instruction shall use the latest available student enrollment count in each school district. If insufficient moneys exist to fully meet the requirements of this section, the superintendent of public instruction shall prorate the payments according to the percentage of the amount available to which each school district is entitled. Nothing in this section permits reimbursement for any costs incurred in providing transportation for student attendance at extracurricular activities or events.

**SECTION 17. CONTINGENCY - RETURN OF MONEYS TO THE GENERAL FUND.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item 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, and if section 15 of this Act does not become effective before July 1, 2005, the superintendent of public instruction shall return the first \$759,000 to the state general fund.

**SECTION 18. CONTINGENCY.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item 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, and after the superintendent of public instruction has fulfilled any directives contained in section 17 of this Act, the superintendent shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the next \$450,000 of the moneys to provide additional payments to school districts serving English language learners, in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as is necessary, for the purpose of providing payments to educational associations governed by joint powers agreements that the superintendent of public instruction has verified as meeting the requirements of section 15.1-07-28.
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 latest available average daily membership of each school district.

**SECTION 19. CONTINGENCY PAYMENTS - TEACHER COMPENSATION - ADDITIONAL PER STUDENT PAYMENTS.** If any moneys appropriated by the legislative assembly to the grants - teacher compensation line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, remain after completion of all statutory obligations, the superintendent of public instruction shall use the remaining moneys to provide additional per student payments on a prorated basis, according to the latest available average daily membership of each school district.

**SECTION 20. 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 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.

**SECTION 21. APPROPRIATION.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing funding to eligible educational associations, for the biennium beginning July 1, 2005, and ending June 30, 2007.
2.
  - a. The superintendent of public instruction shall use \$1,360,000, or so much of that sum as is necessary, to assist eligible educational associations with hiring and compensating staff.
  - b. The superintendent of public instruction shall use \$590,000, or so much of that sum as is necessary, to provide per student payments during each year of the biennium, to each eligible educational association, based on the number of students in average daily membership in each school district participating in the association.
  - c. The superintendent of public instruction shall use \$50,000, or so much of that sum as is necessary, to reimburse eligible educational associations formed on or after July 1, 2005, for expenses incurred in their formation.
3. No eligible educational association may receive more than \$250,000 under subdivision a of subsection 2 during the biennium.

4. For purposes of this section, an "eligible" educational association is one that is governed by a joint powers agreement which the superintendent of public instruction has verified as meeting the requirements of section 15.1-07-28.

**SECTION 22. APPROPRIATION - REORGANIZATION BONUSES - CONTINGENCY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$759,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a reorganization bonus to any school district having a reorganization effective on July 1, 2005, pursuant to section 15.1-12-11.1, for the biennium beginning July 1, 2005, and ending June 30, 2007. If any moneys remain after the superintendent of public instruction completes the payment of bonuses for any reorganization effective on July 1, 2005, the superintendent shall use the remaining moneys to provide additional per student payments on a prorated basis, according to the latest available average daily membership of each school district.

**SECTION 23. REPEAL.** Sections 15.1-09-42 and 15.1-12-11.2 of the North Dakota Century Code are repealed.

**SECTION 24. REPEAL.** Section 15.1-12-11.1 of the North Dakota Century Code is repealed.

**SECTION 25. REPEAL.** Sections 15.1-27-36, 15.1-27-37, and 15.1-27-38 of the North Dakota Century Code are repealed.

**SECTION 26. EFFECTIVE DATE.** Section 24 of this Act becomes effective on December 31, 2005.

**SECTION 27. EFFECTIVE DATE.** Section 25 of this Act becomes effective on July 1, 2009.

**SECTION 28. EMERGENCY.** Section 15 of this Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1163, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1163 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "and" with a comma

Page 1, line 5, after "6-08-15" insert ", and subsection 2 of section 6-08-16"

Page 1, line 10, remove the first "and" and after "institutions" insert ", and compliance with clearinghouse rules"

Page 10, after line 11, insert:

**"SECTION 15. AMENDMENT.** Subsection 2 of section 6-08-16 of the North Dakota Century Code is amended and reenacted as follows:

2. The grade of an offense under this section may be determined by individual or aggregate totals of insufficient funds checks, drafts, electronic funds transfer authorizations, or orders. The person is also liable for collection fees or costs, not in excess of twenty-five dollars, which are recoverable by the holder, or its agent or representative, of the check, draft, electronic funds transfer authorization, or order. If the holder of the check, draft, electronic funds transfer authorization, or order or the holder's agent or representative uses the automated clearinghouse network to collect the collection fees or costs, that person shall comply with the network's rules and requirements. A collection agency shall reimburse the original holder of the check, draft, electronic funds transfer authorization, or order any additional charges assessed by the depository bank of the check, draft, electronic funds transfer authorization, or order not in excess of two dollars if recovered by the collection agency. If the person does not pay the

instrument in full and any collection fees or costs not in excess of twenty-five dollars within ten days from receipt of the notice of dishonor provided for in subsection 4, a civil penalty is also recoverable by civil action by the holder, or its agent or representative, of the check, draft, electronic funds transfer authorization, or order. The civil penalty consists of payment to the holder, or its agent or representative, of the instrument of the lesser of two hundred dollars or three times the amount of the instrument. The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1168, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1168 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1171, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1171 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1222, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "hold hearings, receive public testimony, and gather" with "request, from the state agency, institution, or department most directly affected by the provisions of the measure,"

Page 1, line 9, after "measure" insert "on state government"

Page 1, line 10, after "provide" insert "the" and replace "in the format and timeframe prescribed by the" with "within ten business days of the receipt of the request. The"

Page 1, line 11, replace "for identifying" with "shall hold one or more hearings to receive testimony and information on", replace "an" with "the", and after the period insert "The agency, institution, or department may revise its estimate based on the testimony or information received after the initial estimate."

Page 1, line 13, remove "a statement of" and replace "of the measure" with "information as provided by the state agency, institution, or department"

Page 1, line 16, after the period insert "Within thirty days after the close of the first complete fiscal year after the effective date of an initiated measure approved by the voters, the agency, institution, or department that provided the estimated fiscal effect information to the legislative council under this section shall submit a report to the legislative council on the actual revenues or expenditures resulting from provisions of the initiated measure compared to the estimates provided to the legislative council."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1258, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1258 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second comma insert "and" and remove ", and subsection 9 of section"

Page 1, line 7, remove "43-28-25"

Page 9, remove lines 30 and 31

Page 10, remove lines 1 through 11

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1274: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1284, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 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 section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 51-12-01 of the North Dakota Century Code is amended and reenacted as follows:

**51-12-01. False and misleading advertising prohibited.** No person, firm, corporation, limited liability company, or association with intent to sell, dispose of, increase the consumption of, or induce the public to enter into an obligation relative to, or to acquire title or interest in any food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public, may make, publish, disseminate, circulate, or place before the public, or directly or indirectly shall cause to be made, published, disseminated, circulated, or placed before the public in a newspaper, or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tab, label, letter, or in any other way, an advertisement which contains any assertion, representation, or statement of fact, including the price thereof, which is untrue, deceptive, or misleading regarding such food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1313, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1313 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 12.1-20-01 of the North Dakota Century Code, relating to the age of a person engaging in sexual conduct with a minor;"

Page 1, after line 4, insert:

**"SECTION 1.** A new subsection to section 12.1-20-01 of the North Dakota Century Code is created and enacted as follows:

When criminality depends on the victim being a minor, the actor is guilty of an offense only if the actor is at least four years older than the minor."

Page 1, line 7, after "**imposition**" insert "- Penalty"

Page 2, line 4, after the period insert "a."

Page 2, line 5, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 6, overstrike "or d", after "1" insert ", or if the actor's conduct violates subdivision d of subsection 1 and the actor was more than five years older than the victim at the time of the offense.

b. An offense under this section is a class C felony if the actor's conduct violates subdivision d of subsection 1 or subdivision a of subsection 2,



and the actor was at least four but not more than five years older than the victim at the time of the offense", and after the period insert:

"c."

Page 2, line 14, overstrike "a class", remove "AA", and overstrike "felony" and insert immediately thereafter "an offense"

Page 2, line 16, after the period insert "The offense is a class AA felony if the actor was more than five years older than the victim at the time of the offense. The offense is a class C felony if the actor was at least four but not more than five years older than the victim at the time of the offense."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1437, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 9, after the comma insert "or an improvement with a value exceeding two thousand dollars to a dwelling,"

Page 1, line 14, after the period insert "The contractor shall provide the purchaser or owner written notice of the requirements of this section at the time of closing for the property or, in the case of an improvement, at the time of completion of the improvement." and after "thirty" insert "business"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1475: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1505, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1505 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 906 of the Senate Journal, Engrossed House Bill No. 1505 is amended as follows:

Page 1, line 7, overstrike "A" and insert immediately thereafter "Except as provided in section 62.1-02-01, a"

Page 1, line 12, remove "or section 62.1-02-01"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1528, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1528 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3035, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3035 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3041: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3042: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3042 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3055: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, remove ", railroad,"

Page 1, line 5, remove "and banking"

Page 1, line 8, remove ", railroad, and banking"

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

**William R. Horton, Secretary**