

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, April 7, 2015

The Senate convened at 9:00 a.m., with President Wrigley presiding.

The prayer was offered by Reverend Shelly Pifer, Crystal River Ministry Center, Bismarck.

The roll was called and all members were present.

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. Poolman, Chairman)** has carefully examined the Journal of the Sixtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1079, line 28, replace "Dickter" with "Dockter"

Page 1084, line 5, delete "and has committee recommendation of DO PASS,"

line 26, delete "and has committee recommendation of DO PASS,"

line 47, delete "and has committee recommendation of DO PASS,"

Page 1085, line 22, delete "and has committee recommendation of DO PASS,"

line 45, delete "and has committee recommendation of DO PASS,"

Page 1086, line 21, delete "and has committee recommendation of DO PASS,"

line 44, delete "and has committee recommendation of DO PASS,"

Page 1094, line 31, replace "Hawken" with "Haak"

Page 1103, line 27, replace "(7 YEAS, 0 NAYS" with "(6 YEAS, 1 NAYS"

Page 1104, line 37, after "HCR 3039" insert ", **as engrossed**"

Page 1105, line 3, after "HCR 3056" insert ", **as engrossed**"

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

CONSIDERATION OF AMENDMENTS

HB 1241, as engrossed: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 1154-1155 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 20.1-01-36, subsection 1 of section 62.1-01-01, sections 62.1-02-04, 62.1-02-05, 62.1-02-10, and 62.1-03-01, subsection 5 of section 62.1-04-01, section 62.1-04-02, subsections 2 and 7 of section 62.1-04-03, and section 62.1-05-01 of the North Dakota Century Code, relating to firearms and dangerous weapons; 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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Marcellais; Mathern

Engrossed HB 1241, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1450, as engrossed: SEN. UNRUH (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 1103-1104 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1450: A BILL for an Act to amend and reenact subsection 16 of section 62.1-01-01 and subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code, relating to concealed weapons and firearms.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Heckaman; Krebsbach; Marcellais; Mathern; Murphy; Nelson; O'Connell; Warner

Engrossed HB 1450, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1457, as engrossed: SEN. MURPHY (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 1104 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1457: A BILL for an Act to amend and reenact section 62.1-01-02 of the North Dakota Century Code, relating to the forfeiture and disposition of firearms; and to provide for application.

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, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Mathern

Engrossed HB 1457, as amended, passed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1249 and Engrossed HB 1437, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1249: Sens. Unruh, Schaible, Triplett

Engrossed HB 1437: Sens. Bekkedahl, Cook, Dotzenrod

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2030 as printed on SJ page 1140, in the House amendments to Engrossed SB 2097 as printed on SJ pages 994-995, in the House amendments to Engrossed SB 2332 as printed on SJ page 1140, and in the House amendments to Engrossed SB 2333 as printed on SJ page 1140 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2030: Sens. Armstrong, Luick, Nelson.

Engrossed SB 2097: Sens. Poolman, Klein, Murphy.

Engrossed SB 2332: Sens. Armstrong, Casper, Nelson.

Engrossed SB 2333: Sens. Casper, Armstrong, Grabinger.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

REPORT OF STANDING COMMITTEE

HB 1201: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2233, as engrossed: Your conference committee (Sens. Campbell, Poolman, Murphy and Reps. Beadle, Louser, Boschee) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 965-966, adopt amendments as follows, and place SB 2233 on the Seventh order:

That the House recede from its amendments as printed on pages 965 and 966 of the Senate Journal and page 1114 of the House Journal and that Engrossed Senate Bill No. 2233 be amended as follows:

Page 1, line 1, after "to" insert "amend and reenact subsection 1 of section 48-01.2-22 of the North Dakota Century Code, relating to the public opening of subcontractor bids; and to"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 48-01.2-22 of the North Dakota Century Code is amended and reenacted as follows:

1. An agency construction manager selected for a public improvement shall ~~publicly advertise publicly~~ and ~~receive~~ open bids from subcontractors for the work items necessary to complete the general construction portions of the improvement. The governing body may influence the selection of the subcontractors, but only insofar as the governing body's past experience with a subcontractor or a current legal dispute with a subcontractor."

Renumber accordingly

Engrossed SB 2233 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF AMENDMENTS

HB 1333: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1100 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to amend and reenact sections 16.1-01-04, 16.1-05-07, and 16.1-07-06 of the North Dakota Century Code, relating to voting requirements, qualifications of electors, and voter identification.

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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Sinner; Unruh; Wanzek; Wardner

NAYS: Flakoll; Heckaman; Holmberg; Marcellais; O'Connell; Schneider; Sorvaag; Triplett; Warner

HB 1333, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. CARLISLE (Appropriations Committee) MOVED that the amendments on SJ pages 1145-1146 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1008, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1001, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1143-1145 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of state government; to provide for applications, transfers, and

cancellation of unexpended appropriations; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a legislative management study; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1001, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1217, as engrossed: SEN. J. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 1153-1154 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact sections 14-02.5-02 and 47-16-17.1 of the North Dakota Century Code, relating to the rental of a dwelling to a victim of domestic violence.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1217, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1010, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ pages 1146-1147 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

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, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman;

Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Larsen

Engrossed HB 1010, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1313, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 1155-1158 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact chapter 26.1-12.2 of the North Dakota Century Code, relating to conversion of a mutual property and casualty insurance company to a stock insurance company; to amend and reenact section 26.1-12.1-10 and subdivision b of subsection 12 of section 26.1-17-33.1 of the North Dakota Century Code, relating to references to demutualization of domestic mutual insurance companies; and to repeal section 26.1-12-32 of the North Dakota Century Code, relating to demutualization of domestic mutual insurance companies.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Rust; Schaible; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Axness; Heckaman; Hogue; Marcellais; Mathern; Oban; Schneider; Warner

Engrossed HB 1313, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1456, as engrossed: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 1158 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to create and enact section 54-01-29.1 of the North Dakota Century Code, relating to the encouragement of federal legislation to return lands and mineral rights to the state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Miller; Murphy; O'Connell; Oban; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Wanzek; Wardner; Warner

NAYS: Larsen; Marcellais; Mathern; Nelson; Oehlke; Triplett; Unruh

Engrossed HB 1456, as amended, passed.

REPORT OF STANDING COMMITTEE

HB 1006, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1006 was placed on the Sixth order on the calendar.

Page 1, replace line 13 with:

| | | | |
|---------------------|-------------|-----------|--------------|
| "Salaries and wages | \$1,135,606 | \$312,031 | \$1,447,637" |
|---------------------|-------------|-----------|--------------|

Page 1, replace lines 18 and 19 with:

| | | | |
|-----------------------|-------------------|--------------------|--------------------|
| "Total all funds | \$13,013,427 | (\$1,707,690) | \$11,305,737 |
| Less estimated income | <u>12,463,427</u> | <u>(2,157,690)</u> | <u>10,305,737"</u> |

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1006 - Aeronautics Commission - Senate Action**

| | Base Budget | House Version | Senate Changes | Senate Version |
|------------------------|-------------------|-------------------|-------------------|-------------------|
| Salaries and wages | \$1,135,606 | \$1,452,906 | (\$5,269) | \$1,447,637 |
| Operating expenses | 1,977,049 | 2,058,100 | | 2,058,100 |
| Capital assets | 390,000 | 300,000 | | 300,000 |
| Grants | 9,500,000 | 7,500,000 | | 7,500,000 |
| Accrued leave payments | 10,772 | | | |
| Total all funds | \$13,013,427 | \$11,311,006 | (\$5,269) | \$11,305,737 |
| Less estimated income | <u>12,463,427</u> | <u>10,311,006</u> | <u>(5,269)</u> | <u>10,305,737</u> |
| General fund | \$550,000 | \$1,000,000 | \$0 | \$1,000,000 |
| FTE | 6.00 | 7.00 | 0.00 | 7.00 |

Department No. 412 - Aeronautics Commission - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Premium Increases ¹ | Total Senate Changes |
|------------------------|--|-------------------------|
| Salaries and wages | (\$5,269) | (\$5,269) |
| Operating expenses | | |
| Capital assets | | |
| Grants | | |
| Accrued leave payments | | |
| Total all funds | (\$5,269) | (\$5,269) |
| Less estimated income | <u>(5,269)</u> | <u>(5,269)</u> |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0 |

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

CONSIDERATION OF AMENDMENTS

HB 1006, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission; and to create and enact a new section to chapter 2-05 of the North Dakota Century Code, relating to earnings of the

aeronautics commission special fund.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1006, as amended, passed.

REPORT OF STANDING COMMITTEE

HB 1007, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, replace line 11 with:

| | | | |
|---------------------|--------------|-------------|---------------|
| "Salaries and wages | \$15,874,867 | \$2,059,737 | \$17,934,604" |
|---------------------|--------------|-------------|---------------|

Page 1, replace lines 13 through 17 with:

| | | | |
|-----------------------|-------------------|----------------|-------------------|
| "Operating expenses | 5,408,850 | (97,850) | 5,311,000 |
| Capital assets | <u>501,040</u> | <u>395,003</u> | <u>896,043</u> |
| Total all funds | \$22,242,953 | \$1,898,694 | \$24,141,647 |
| Less estimated income | <u>15,081,100</u> | <u>334,822</u> | <u>15,415,922</u> |
| Total general fund | \$7,161,853 | \$1,563,872 | \$8,725,725" |

Page 2, replace line 1 with:

| | | |
|----------------|---------|----------|
| "Shop addition | 788,200 | 126,800" |
|----------------|---------|----------|

Page 2, replace lines 3 through 6 with:

| | | |
|-----------------------|------------------|----------------|
| "Equipment | <u>0</u> | <u>326,360</u> |
| Total all funds | \$1,909,200 | \$536,160 |
| Less estimated income | <u>1,348,700</u> | <u>377,330</u> |
| Total general fund | \$560,500 | \$158,830" |

Page 2, after line 10, insert:

"SECTION 3. ADDITIONAL INCOME - APPROPRIATION - PEDESTRIAN BRIDGE. In addition to the amounts included in the estimated income line item in section 1 of this Act, any additional amounts in the Melvin Norgard memorial fund, or from litigation proceeds or other funds that become available to the veterans' home are appropriated up to \$550,000, subject to budget section approval, for the purpose of constructing a pedestrian bridge, for the biennium beginning July 1, 2015, and ending June 30, 2017. The funding included in this section is considered one-time funding."

Page 2, line 18, replace "\$84,500" with "\$132,500"

Page 2, remove lines 26 through 28

Page 2, line 29, replace "and" with a comma

Page 2, line 29, after "5" insert ", and 6"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1007 - Veterans' Home - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|------------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$15,874,867 | \$17,635,653 | \$298,951 | \$17,934,604 |
| Operating expenses | 5,408,850 | 5,306,000 | 5,000 | 5,311,000 |
| Capital assets | 501,040 | 595,413 | 300,630 | 896,043 |
| Accrued leave payments | 458,196 | | | |
| Pedestrian Bridge | | | 550,000 | 550,000 |
| Total all funds | \$22,242,953 | \$23,537,066 | \$1,154,581 | \$24,691,647 |
| Less estimated income | 15,081,100 | 14,714,408 | 1,251,514 | 15,965,922 |
| General fund | \$7,161,853 | \$8,822,658 | (\$96,933) | \$8,725,725 |
| FTE | 120.72 | 120.72 | 0.00 | 120.72 |

Department No. 313 - Veterans' Home - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Premium Increases ¹ | Adds Funding for Targeted Market Equity ² | Removes Funding for Housing Allowance ³ | Adds Funding for Repairs to Administrator's Residence ⁴ | Adds One-Time Funding for Equipment ⁵ | Adds One-Time Funding for Construction of a Resident Workshop ⁶ |
|------------------------|--|--|---|---|--|--|
| Salaries and wages | (\$110,673) | \$429,624 | (\$20,000) | | | |
| Operating expenses | | | | 5,000 | | |
| Capital assets | | | | 15,000 | 158,830 | 126,800 |
| Accrued leave payments | | | | | | |
| Pedestrian Bridge | | | | | | |
| Total all funds | (\$110,673) | \$429,624 | (\$20,000) | \$20,000 | \$158,830 | \$126,800 |
| Less estimated income | 14,260 | 429,624 | (15,000) | 15,000 | 130,830 | 126,800 |
| General fund | (\$124,933) | \$0 | (\$5,000) | \$5,000 | \$28,000 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | Adds One-Time Funding for Construction of a Pedestrian Bridge ⁷ | Total Senate Changes |
|------------------------|--|-------------------------|
| Salaries and wages | | \$298,951 |
| Operating expenses | | 5,000 |
| Capital assets | | 300,630 |
| Accrued leave payments | | |
| Pedestrian Bridge | 550,000 | 550,000 |
| Total all funds | \$550,000 | \$1,154,581 |
| Less estimated income | 550,000 | 1,251,514 |
| General fund | \$0 | (\$96,933) |
| FTE | 0.00 | 0.00 |

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

² Funding is provided for targeted equity salary funding from the Soldiers Home Fund.

³ A housing allowance for the administrator of the Veterans' Home is removed.

⁴ Funding is provided for repairs to the administrator's residence, including \$15,000 for replacing shingles and fascia and \$5,000 for bat removal.

⁵ One-time funding is added for equipment, including a toolcat (\$28,000) and seven patient lifts (\$130,830).

⁶ One-time funding is added for construction of a resident workshop.

⁷ Authorizes the Veterans' Home, subject to Budget Section approval, to use up to \$550,000 from the Melvin Norgard memorial fund, or from litigation proceeds or other funds for the construction of a pedestrian bridge.

This amendment also provides:

- Authorizes the Veterans' Home to transfer up to \$132,500 during the 2013-15 biennium from the operating expense line item to the capital assets line item for removing asbestos from the previous Veterans' Home facility (\$84,500) and to implement a new phone system (\$48,000).
- Removes a section requiring the Veterans' Home use funding provided for operating expenses in the 2015-17 biennium for a new phone system.

CONSIDERATION OF AMENDMENTS

HB 1007, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home; to provide an exemption; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1007, as amended, passed.

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1360, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 870 of the Senate Journal, Engrossed House Bill No. 1360 is amended as follows:

Page 1, line 9, replace "issue" with "develop a"

Page 1, line 9, replace "plates" with "number plate program"

Page 1, line 10, remove "Payment of all other fees required under this chapter for registration of a motor"

Page 1, line 11, replace "vehicle" with "Proof of a minimum of fifty applicants"

Page 1, line 11, after the underscored semicolon insert "and"

Page 1, line 12, remove "fee of twenty-five dollars of which twenty dollars is deposited"

Page 1, remove lines 13 through 15

Page 1, line 16, replace "postwar trust fund" with "one-time fee of one thousand five hundred dollars for the development of a patriotic number plate program"

Page 1, after line 16, insert:

- "2. The director shall issue patriotic number plates to a qualified applicant under this section upon receiving:
- a. Proper application for a plate in the patriotic number plate program;
 - b. Payment of all other fees required under this chapter for registration of the motor vehicle; and
 - c. Payment of an additional annual fee of twenty-five dollars, of which the director shall deposit ten dollars in the highway tax distribution fund and transfer fifteen dollars to the proper organization or state fund."

Page 1, line 17, replace "2." with "3."

Page 1, line 18, replace "Deposits" with "Any deposits"

Page 1, line 22, replace "3." with "4."

Page 1, line 22, remove "Patriotic plates must include a flag of the United States decal plate, bald eagle decal"

Page 1, replace line 23 with "A patriotic plate issued under this section must bear a logo of a United States flag, bald eagle, or boony stomper. The logo must be placed on the left side of the patriotic plate. The director shall coordinate with the commissioner of veterans' affairs to design the three logos."

Page 2, line 20, replace "January 1, 2016" with "July 1, 2016"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment replaces an initial one-time fee of \$25 and an annual fee of \$10 with an initial one-time patriotic number plate program development fee of \$1,500 and an annual applicant fee of \$25 consistent with the nonprofit organization number plate program.

CONSIDERATION OF AMENDMENTS

HB 1360, as engrossed and amended: SEN. G. LEE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to patriotic number plates; to amend and reenact subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to disabled veteran motor vehicle registration; and to provide a contingent effective date.

ROLL CALL

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1360, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to create and enact a new subsection to section 55-01-02 of the North Dakota Century Code, relating to Yellowstone-Missouri Rivers confluence projects; and to repeal chapter 55-06 of the North Dakota Century Code, relating to the Yellowstone-Missouri Rivers confluence commission.

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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Bekkedahl; Triplett

HB 1379 passed.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact sections 54-52-06.4 and 54-52-17 and subsection 1 of section 54-52-17.2 of the North Dakota Century Code, relating to decreased employee contributions under the public employees retirement system for peace officers employed by the bureau of criminal investigation and benefit changes for employees first enrolled in the public employees retirement system defined benefit retirement plan after December 31, 2015.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bowman; Campbell; Casper; Cook; Davison; Klein; Larsen; Lee, G.; Luick; Miller; Oehlke; Schaible; Unruh

NAYS: Anderson; Axness; Bekkedahl; Burckhard; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Poolman; Robinson; Rust; Schneider; Sinner; Sorvaag; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1080 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in the Northern Great Plains.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3024 was declared adopted on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1095, HB 1102, and HB 1229, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1095: Sens. Schaible, Hogue, Murphy

HB 1102: Sens. Klein, Campbell, Murphy

HB 1229: Sens. Burckhard, Campbell, Sinner

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1118-1119, in the House amendments to Engrossed SB 2011 as printed on SJ pages 1122-1123, in the House amendments to Engrossed SB 2017 as printed on SJ pages 1123-1124, and in the House amendments to Engrossed SB 2377 as printed on SJ pages 1125-1140 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2001: Sens. Erbele, Bowman, Mathern.

Engrossed SB 2011: Sens. Bowman, Erbele, O'Connell.

Engrossed SB 2017: Sens. Wanzek, Carlisle, O'Connell.

Engrossed SB 2377: Sens. Unruh, Armstrong, Murphy.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1379, HCR 3024.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1008, HB 1010, HB 1217, HB 1313, HB 1333, HB 1360, HB 1456.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1241, HB 1450, HB 1457.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001, HB 1007.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1080.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2295.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2295

Page 1, line 9, remove "services in accordance with the"

Page 1, line 10, remove "individual's education"

Page 1, line 24, after "activity" insert ", under verbal, standing, or written orders, and in clinical settings written orders are required"

Page 2, line 4, after "activity" insert ", under verbal, standing, or written orders, and in clinical settings written orders are required"

Page 2, line 10, after "means" insert "any moderate or vigorous"

Page 2, line 11, replace ", including" with "during"

Page 2, line 12, after the second underscored comma insert "performance arts, stretching."

Page 2, line 12, remove "or"

Page 2, line 12, after "fitness" insert ", or other settings set forth in subsection 5 of section 43-39-10"

Page 3, line 3, replace "direction" with "guidance or rehabilitation order"

Page 3, after line 5, insert:

"SECTION 4. Subsection 5 to section 43-39-10 of the North Dakota Century Code is created and enacted as follows:

5. Nothing in this chapter may be construed to prevent athletic trainers from providing: athletic training in hospital or clinical settings; injury screens; physician extender services; employee injury prevention, education or advice; or services to address injuries or illnesses, comparable to athletic injuries or illnesses, in military, industrial, or public safety settings."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2031.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2031

In lieu of the amendments adopted by the House as printed on pages 1163-1183 of the House Journal, Reengrossed Senate Bill No 2031 is amended as follows:

Page 1, line 9, after "a" insert "school district reporting review committee"

Page 1, line 9, after "study" insert "and report to the legislative management"

Page 1, line 9, after the second semicolon insert "to provide for a legislative management study;"

Page 1, line 10, remove "to provide an expiration date;"

Page 3, line 11, remove "(1)"

Page 3, remove lines 12 and 13

Page 3, line 14, remove "school year"

Page 7, remove lines 17 through 30

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 30

Page 11, remove lines 1 through 30

Page 12, remove lines 1 through 30

Page 13, remove lines 1 through 31

Page 14, remove lines 1 through 30

Page 15, remove lines 1 through 30

Page 16, remove lines 1 through 30

Page 17, remove lines 1 through 30

Page 18, remove lines 1 through 30

Page 19, remove lines 1 through 31

Page 20, remove lines 1 through 30

Page 21, remove lines 1 through 30

Page 22, remove lines 1 through 27

Page 23, replace lines 1 through 11 with:

"SECTION 5. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. ~~1.00 the number of full-time equivalent students enrolled in a migrant summer program;~~
 - ~~b-a.~~ 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - ~~e-b.~~ 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
 - ~~d.~~ ~~0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;~~
 - ~~e-c.~~ 0.30 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - ~~f-d.~~ 0.25 the number of full-time equivalent students under the age of twenty-one, enrolled in grades nine through twelve in an alternative high school;
 - ~~g.~~ ~~0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;~~
 - ~~h-e.~~ 0.20 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;

- f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
 - i-g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
 - j-h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
 - k-i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
 - t-j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
 - m-k. 0.07 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
 - (2) Are enrolled in a program of instruction for English language learners; and
 - (3) Have not been in the third of six categories of proficiency for more than three years;
 - n-l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
 - o. ~~0.003 the number of students enrolled in average daily membership in each public school in the district that:~~
 - ~~(1) Has acquired and is utilizing the PowerSchool student information system;~~
 - ~~(2) Has acquired and is in the process of implementing the PowerSchool student information system; or~~
 - ~~(3) Will acquire the PowerSchool student information system during the current school year, provided the acquisition is contractually demonstrated; and~~
 - p-m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

**(Effective after June 30, 2015) Weighted average daily membership—
Determination.**

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of full-time equivalent students enrolled in a migrant summer program;
 - b. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - c. 0.60 the number of full-time equivalent students enrolled in a summer education program;
 - d. 0.50 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
 - e. 0.30 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - f. 0.25 the number of full-time equivalent students enrolled in an alternative high school;
 - g. 0.20 the number of full-time equivalent students attending school in a bordering state in accordance with section 15.1-29-01;
 - h. 0.20 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - i. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
 - j. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
 - k. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
 - l. 0.07 the number of full-time equivalent students who:

- (1) ~~On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;~~
- (2) ~~Are enrolled in a program of instruction for English language learners; and~~
- (3) ~~Have not been in the third of six categories of proficiency for more than three years;~~
- m. ~~0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];~~
- n. ~~0.006 the number of students enrolled in average daily membership in each public school in the district that:~~
 - (1) ~~Has acquired and is utilizing the PowerSchool student information system;~~
 - (2) ~~Has acquired and is in the process of implementing the PowerSchool student information system; or~~
 - (3) ~~Will acquire the PowerSchool student information system during the current school year, provided the acquisition is contractually demonstrated; and~~
- o. ~~0.004 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1.~~
- 2. ~~The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.~~

SECTION 6. AMENDMENT. Section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.2. ~~(Effective through June 30, 2015)~~ School district size weighting factor - Weighted student units.

- 1. For each high school district in the state, the superintendent of public instruction shall assign a school district size weighting factor of:
 - a. 1.35 if the students in average daily membership number fewer than 125;
 - b. 1.34 if the students in average daily membership number at least 125 but fewer than 130;
 - c. 1.33 if the students in average daily membership number at least 130 but fewer than 135;
 - d. 1.32 if the students in average daily membership number at least 135 but fewer than 140;
 - e. 1.31 if the students in average daily membership number at least 140 but fewer than 145;

- f. 1.30 if the students in average daily membership number at least 145 but fewer than 150;
- g. 1.29 if the students in average daily membership number at least 150 but fewer than 155;
- h. 1.28 if the students in average daily membership number at least 155 but fewer than 160;
- i. 1.27 if the students in average daily membership number at least 160 but fewer than 165;
- j. 1.26 if the students in average daily membership number at least 165 but fewer than 175;
- k. 1.25 if the students in average daily membership number at least 175 but fewer than 185;
- l. 1.24 if the students in average daily membership number at least 185 but fewer than 200;
- m. 1.23 if the students in average daily membership number at least 200 but fewer than 215;
- n. 1.22 if the students in average daily membership number at least 215 but fewer than 230;
- o. 1.21 if the students in average daily membership number at least 230 but fewer than 245;
- p. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
- q. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
- r. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
- s. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
- t. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
- u. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
- v. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
- w. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
- x. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
- y. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
- z. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
- aa. 1.09 if the students in average daily membership number at least 320 but fewer than 335;

- bb. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
 - cc. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
 - dd. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
 - ee. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
 - ff. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
 - gg. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
 - hh. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
 - ii. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
 - jj. 1.00 if the students in average daily membership number at least 900.
2. For each elementary district in the state, the superintendent of public instruction shall assign a weighting factor of:
- a. 1.25 if the students in average daily membership number fewer than 125;
 - b. 1.17 if the students in average daily membership number at least 125 but fewer than 200; and
 - c. 1.00 if the students in average daily membership number at least 200.
3. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units.
4. Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.

~~(Effective after June 30, 2015) School district size weighting factor -- Weighted student units.~~

- ~~1. For each high school district in the state, the superintendent of public instruction shall assign a school district size weighting factor of:~~
- ~~a. 1.25 if the students in average daily membership number fewer than 185;~~
 - ~~b. 1.24 if the students in average daily membership number at least 185 but fewer than 200;~~
 - ~~c. 1.23 if the students in average daily membership number at least 200 but fewer than 215;~~

- d. ~~1.22 if the students in average daily membership number at least 215 but fewer than 230;~~
- e. ~~1.21 if the students in average daily membership number at least 230 but fewer than 245;~~
- f. ~~1.20 if the students in average daily membership number at least 245 but fewer than 260;~~
- g. ~~1.19 if the students in average daily membership number at least 260 but fewer than 270;~~
- h. ~~1.18 if the students in average daily membership number at least 270 but fewer than 275;~~
- i. ~~1.17 if the students in average daily membership number at least 275 but fewer than 280;~~
- j. ~~1.16 if the students in average daily membership number at least 280 but fewer than 285;~~
- k. ~~1.15 if the students in average daily membership number at least 285 but fewer than 290;~~
- l. ~~1.14 if the students in average daily membership number at least 290 but fewer than 295;~~
- m. ~~1.13 if the students in average daily membership number at least 295 but fewer than 300;~~
- n. ~~1.12 if the students in average daily membership number at least 300 but fewer than 305;~~
- o. ~~1.11 if the students in average daily membership number at least 305 but fewer than 310;~~
- p. ~~1.10 if the students in average daily membership number at least 310 but fewer than 320;~~
- q. ~~1.09 if the students in average daily membership number at least 320 but fewer than 335;~~
- r. ~~1.08 if the students in average daily membership number at least 335 but fewer than 350;~~
- s. ~~1.07 if the students in average daily membership number at least 350 but fewer than 360;~~
- t. ~~1.06 if the students in average daily membership number at least 360 but fewer than 370;~~
- u. ~~1.05 if the students in average daily membership number at least 370 but fewer than 380;~~
- v. ~~1.04 if the students in average daily membership number at least 380 but fewer than 390;~~
- w. ~~1.03 if the students in average daily membership number at least 390 but fewer than 400;~~
- x. ~~1.02 if the students in average daily membership number at least 400 but fewer than 600;~~
- y. ~~1.01 if the students in average daily membership number at least 600 but fewer than 900; and~~

- z. ~~1.00 if the students in average daily membership number at least 900.~~
- 2. For each elementary district in the state, the superintendent of public instruction shall assign a weighting factor of:
 - a. ~~1.25 if the students in average daily membership number fewer than 125;~~
 - b. ~~1.17 if the students in average daily membership number at least 125 but fewer than 200; and~~
 - c. ~~1.00 if the students in average daily membership number at least 200.~~
- 3. ~~The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units.~~
- 4. ~~Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.~~

SECTION 7. AMENDMENT. Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. (Effective through June 30, 2015) Baseline funding - Establishment - Determination of state aid.

- 1. In order to determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2012-13 school year;
 - b. The district's 2012-13 mill levy reduction grant, as determined in accordance with chapter 57-64, as it existed on June 30, 2013;
 - c. An amount equal to that raised by the district's 2012 general fund levy or that raised by one hundred ten mills of the district's 2012 general fund levy, whichever is less;
 - d. An amount equal to that raised by the district's 2012 long-distance learning and educational technology levy;
 - e. An amount equal to that raised by the district's 2012 alternative education program levy; and
 - f. An amount equal to:
 - (1) Seventy-five percent of all revenue received by the school district and reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Seventy-five percent of all mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as

developed by the superintendent of public instruction in accordance with section 15.1-02-08;

- (3) Seventy-five percent of all tuition received by the school district and reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
 - (4) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on electricity generated from sources other than coal;
 - (6) All revenue received by the school district from mobile home taxes;
 - (7) Seventy-five percent of all revenue received by the school district from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);
 - (8) All telecommunications tax revenue received by the school district; and
 - (9) All revenue received by the school district from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
2. The superintendent shall divide the district's total baseline funding by the district's 2012-13 weighted student units in order to determine the district's baseline funding per weighted student unit.
3. ~~a. In 2013-14, the superintendent shall multiply the district's weighted student units by eight thousand eight hundred ten dollars.~~
- ~~(1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:~~
 - ~~(a) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2013-14 weighted student units; or~~
 - ~~(b) One hundred percent of the district's baseline funding as established in subsection 1.~~
 - ~~(2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred ten percent of the district's baseline funding per weighted student unit multiplied by the district's 2013-14 weighted student units, as established in subsection 2.~~
- ~~b. In 2014-15, the superintendent shall multiply the district's weighted student units by nine thousand ninety two dollars.~~
- ~~(1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:~~

- (a) ~~One hundred four percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units; or~~
 - (b) ~~One hundred percent of the district's baseline funding as established in subsection 1.~~
 - (2) ~~The superintendent shall also adjust the product to ensure that the product does not exceed one hundred twenty percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units.~~
 - 3.
 - a. In 2015-16, the superintendent shall multiply the district's weighted student units by nine thousand two hundred seventy-four dollars.
 - (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:
 - (a) One hundred six percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2013-14 weighted student units; or
 - (b) One hundred percent of the district's baseline funding as established in subsection 1.
 - (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred thirty percent of the district's baseline funding per weighted student unit multiplied by the district's 2013-14 weighted student units, as established in subsection 2.
 - b. In 2016-17, the superintendent shall multiply the district's weighted student units by nine thousand four hundred fifty-nine dollars.
 - (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:
 - (a) One hundred eight percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units; or
 - (b) One hundred percent of the district's baseline funding as established in subsection 1.
 - (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred forty percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units.
 - 4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
 - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, provided that after 2013, the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent; and
 - b. Subtract an amount equal to seventy-five percent of all revenues listed in paragraphs 1 through 5, and 7 of subdivision f of

subsection 1 and one hundred percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of subsection 1.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

SECTION 8. AMENDMENT. Section 15.1-27-04.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.2. ~~(Effective through June 30, 2015)~~ State aid - Minimum local effort - Determination.

If a district's taxable valuation per student is less than twenty percent of the state average valuation per student, the superintendent of public instruction, for purposes of determining state aid in accordance with section 15.1-27-04.1, shall utilize an amount equal to sixty mills times twenty percent of the state average valuation per student multiplied by the number of weighted student units in the district."

Page 32, remove lines 29 and 30

Page 33, remove lines 1 through 31

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 30

Page 36, remove lines 1 through 31

Page 37, remove lines 1 through 31

Page 38, remove lines 1 through 31

Page 39, remove lines 1 through 31

Page 40, remove lines 1 through 31

Page 41, remove lines 1 through 31

Page 42, remove lines 1 through 30

Page 43, remove lines 1 through 30

Page 44, remove lines 1 through 30

Page 45, remove lines 1 through 30

Page 46, replace lines 1 through 7 with:

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

57-15-01.1. ~~(Effective for the first two taxable years beginning after December 31, 2012)~~ Protection of taxpayers and taxing districts.

Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:

- a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year. For a park district general fund, the "amount levied in dollars in property taxes" is the sum of amounts levied in dollars in property taxes for the general fund under section 57-15-12 including any additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08, the employee health care program under section 40-49-12, the public recreation system under section 40-55-09 including any additional levy approved by the electors, forestry purposes under section 57-15-12.1 except any additional levy approved by the electors, pest control under section 4-33-11, and handicapped person programs and activities under section 57-15-60;
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section;
 - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the property exempt by local discretion or charitable status, calculated in the same manner as the taxable property; and
 - d. "Property exempt by local discretion or charitable status" means property exempted from taxation as new or expanding businesses under chapter 40-57.1; improvements to property under chapter 57-02.2; or buildings belonging to institutions of public charity, new single-family residential or townhouse or condominium property, property used for early childhood services, or pollution abatement improvements under section 57-02-08.
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary mill levy increase does not include a school district general fund mill rate exceeding one hundred ten mills which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.
 - d. If the base year is a taxable year before 2013, reduced by the amount of state aid under chapter 15.1-27, which is determined by multiplying the budget year taxable valuation of the school district by the lesser of:
 - (1) The base year mill rate of the school district minus sixty mills; or

(2) Fifty mills.

4. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
5. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
6. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
7. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

~~(Effective after the first two taxable years beginning after December 31, 2012) Protection of taxpayers and taxing districts.~~ Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

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

- d. ~~"Property exempt by local discretion or charitable status" means property exempted from taxation as new or expanding businesses under chapter 40-57.1; improvements to property under chapter 57-02.2; or buildings belonging to institutions of public charity, new single-family residential or townhouse or condominium property, property used for early childhood services, or pollution abatement improvements under section 57-02-08.~~
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
- a. ~~Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.~~
 - b. ~~Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.~~
 - c. ~~Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary mill levy increase does not include a school district general fund mill rate exceeding one hundred ten mills which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.~~
 - d. ~~Increased, for a school district determining its levy limitation under this section, by the amount the school district's mill levy reduction grant under section 57-64-02 for the base year exceeds the amount of the school district's mill levy reduction grant under section 57-64-02 for the budget year.~~
 - e. ~~Reduced for a school district determining its levy limitation under this section, by the amount the school district's mill levy reduction grant under section 57-64-02 for the budget year exceeds the amount of the school district's mill levy reduction grant under section 57-64-02 for the base year.~~
4. ~~In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.~~
5. ~~Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:~~
- a. ~~Any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.~~
 - b. ~~The one mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.~~

6. ~~A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.~~
7. ~~Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.~~

SECTION 16. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. (Effective for the first two taxable years beginning after December 31, 2012) Voter approval of excess levies in school districts.

1. Unless authorized by the electors of the school district in accordance with this section, a school district may not impose greater levies than those permitted under section 57-15-14.2.
 - a. In any school district having a total population in excess of four thousand according to the last federal decennial census there may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
 - b. In any school district having a total population of fewer than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
 - c. After June 30, 2009, in any school district election for approval by electors of increased levy authority under subsection 1 or 2, the ballot must specify the number of mills proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2009, approval by electors of increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.
 - d. The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2015 of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.
 - e. For taxable years beginning after 2012:
 - (1) The authority for a levy of up to a specific number of mills, approved by electors of a school district for any period of time that includes a taxable year before 2009, must be reduced by one hundred fifteen mills as a precondition of receiving state aid in accordance with chapter 15.1-27.
 - (2) The authority for a levy of up to a specific number of mills, approved by electors of a school district for any period of time that does not include a taxable year before 2009, must be

reduced by forty mills as a precondition of receiving state aid in accordance with chapter 15.1-27.

- (3) The authority for a levy of up to a specific number of mills, placed on the ballot in a school district election for electoral approval of increased levy authority under subdivision a or b, after June 30, 2013, must be stated as a specific number of mills of general fund levy authority and must include a statement that the statutory school district general fund levy limitation is seventy mills on the dollar of the taxable valuation of the school district.
- f. The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.
2. a. The question of authorizing or discontinuing such specific number of mills authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. No fewer than twenty-five signatures are required.
- b. The approval of discontinuing such authority does not affect the tax levy in the calendar year in which the election is held.
- c. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

(Effective after the first two taxable years beginning after December 31, 2012) General fund levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census there may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
2. In any school district having a total population of fewer than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. After June 30, 2009, in any school district election for approval by electors of increased levy authority under subsection 1 or 2, the ballot must specify the number of mills proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2009, approval by electors of increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.
4. The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is-

~~terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2015 of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.~~

5. ~~The authority for an unlimited levy approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.~~

~~The question of authorizing or discontinuing such specific number of mills authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to ten percent of the number of electors who cast votes in the most recent election in the school district. However, not fewer than twenty-five signatures are required. However, the approval of discontinuing such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.~~

SECTION 17. AMENDMENT. Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. (Effective for the first two taxable years beginning after December 31, 2012) School district levies.

1. For taxable years after 2013, the board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent, up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. For taxable years after 2013, the board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. Nothing in this section limits the board of a school district from levying:
 - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
 - b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest

on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

6. For the taxable year 2013 only, the board of a school district may levy, for the purposes described in subsections 1 and 2, a tax not exceeding the amount in dollars determined under this subsection, plus twelve percent, up to a combined levy of eighty-two mills. For purposes of this subsection, the allowable increase in dollars is determined by multiplying the 2013 taxable valuation of the district by the sum of sixty mills plus the number of mills levied in 2012 for miscellaneous expenses under sections 57-15-14.5 and 57-15-17.1.

(Effective after the first two taxable years beginning after December 31, 2012) Mill levies requiring board action -- Proceeds to general fund account.

1. A school board of any school district may levy an amount sufficient to cover general expenses, including the costs of the following:
 - a. Board and lodging for high school students as provided in section 15-1-30-04.
 - b. The teachers' retirement fund as provided in section 15-39.1-28.
 - c. Tuition for students in grades seven through twelve as provided in section 15-1-29-15.
 - d. Special education program as provided in section 15-1-32-20.
 - e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.
 - f. A final judgment obtained against a school district.
 - g. The district's share of contribution to the old age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.
 - h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.
 - i. Unemployment compensation benefits.
 - j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36, any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school, and for providing an alternative education program as provided in section 57-15-17.1.
 - k. Participating in cooperative career and technical education programs approved by the state board.
 - l. Maintaining a career and technical education program approved by the state board and established only for that school district.

- ~~m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.~~
 - ~~n. Establishing and maintaining school library services.~~
 - ~~o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.~~
 - ~~p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.~~
 - ~~q. Establishing, maintaining, and conducting a public recreation system.~~
 - ~~r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15.1-09-40.~~
2. ~~This limitation does not apply to mill levies pursuant to subdivisions a, c, f, and j of subsection 1. If a school district maintained a levy to finance either its participation in a cooperative career and technical education program or its sponsorship of single district career and technical education programs prior to July 1, 1983, and the district discontinues its participation in or sponsorship of those career and technical education programs, that district must reduce the proposed aggregated expenditure amount for which its general fund levy is used by the dollar amount raised by its prior levy for the funding of those programs.~~
3. ~~All proceeds of any levy established pursuant to this section must be placed in the school district's general fund account and may be expended to achieve the purposes for which the taxes authorized by this section are levied. Proceeds from levies established pursuant to this section and funds provided to school districts pursuant to chapter 15.1-27 may not be transferred to the building fund within the school district."~~

Page 52, after line 12, insert:

"SECTION 23. LEGISLATIVE MANAGEMENT STUDY - K-12 STANDARDS AND ASSESSMENTS. The legislative management shall consider studying standards and assessments.

1.
 - a. The study must provide for a review of the content standards applicable to all grade levels in this state, from kindergarten through twelve, in the areas of English language arts and mathematics.
 - b. The study must include a comparison of the standards used in this state to standards used in other states, for purposes of determining academic rigor.
 - c. The study must include a review of the standards development process, including opportunities for participation in the process.
2.
 - a. The study must provide for a review of the assessment development process, including the services provided by various private sector entities, and a review of the assessment administration process.
 - b. The study must provide for an analysis of student performance on state assessments and include short-term and longer-term school, school district, and state goals for achieving improved performance.
3. The study must provide for a review of the Elementary and Secondary Education Act, including monitoring potential changes in standards, assessments, accountability, local flexibility, and federal regulatory authority.

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

Page 53, line 7, replace "\$2,500,000" with "\$1,200,000"

Page 54, remove lines 17 and 18

Page 54, line 19, replace "25" with "26"

Page 54, line 19, replace "27" with "28"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2083.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2197.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2011, SB 2017, and SB 2377, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Erbele; Bowman; Mathern
SB 2011: Sens. Bowman; Erbele; O'Connell
SB 2017: Sens. Wanzek; Carlisle; O'Connell
SB 2377: Sens. Unruh; Armstrong; Murphy

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2030, SB 2097, SB 2332, and SB 2333, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2030: Sens. Armstrong; Luick; Nelson
SB 2097: Sens. Poolman; Klein; Murphy
SB 2332: Sens. Armstrong; Casper; Nelson
SB 2333: Sens. Casper; Armstrong; Grabinger

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2072: Reps. Klemin; Larson; P. Anderson
SB 2161: Reps. Hawken; Kretschmar; Wallman
SCR 4010: Reps. Kasper; Louser; Amerman

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2139: Reps. Weisz; Schatz; M. Nelson
SB 2292: Reps. Headland; Owens; Haak
SB 2312: Reps. Owens; Sukut; Hanson

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1038, HB 1086, HB 1089, HB 1116, HB 1247, and HB 1441.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1197 and HB 1340.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1030, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1030: Reps. K. Koppelman; Klemin; Wallman

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1095: Sens. Schaible; Hogue; Murphy

HB 1102: Sens. Klein; Campbell; Murphy

HB 1229: Sens. Burckhard; Campbell; Sinner

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1249: Sens. Unruh; Schaible; Triplett

HB 1437: Sens. Bekkedahl; Cook; Dotzenrod

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1283.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2079, SB 2093.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SCR 4017, SCR 4021.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1035, HB 1081, HB 1101, HB 1124, HB 1143, HB 1158, HB 1181, HB 1191, HB 1202, HB 1221, HB 1382, HB 1384, HB 1417, HB 1434.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1038, HB 1086, HB 1089, HB 1116, HB 1247, HB 1441.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1133, HB 1174, HB 1188, HB 1274, HB 1279, HB 1319, HB 1353, HB 1376, HB 1462, HB 1471, HCR 3008.

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

MR. PRESIDENT: The Speaker has signed: SB 2079, SB 2093.

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

MR. PRESIDENT: The Speaker has signed: SCR 4017, SCR 4021.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: SB 2079, SB 2093.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: SB 2085, SB 2105, SB 2176, SB 2219, SB 2231, SB 2232, SB 2277, SB 2299, SB 2343, SB 2357, SCR 4006, SCR 4016.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: HB 1035, HB 1038, HB 1081, HB 1086, HB 1089, HB 1101, HB 1116, HB 1124, HB 1133, HB 1143, HB 1158, HB 1174, HB 1181, HB 1188, HB 1191, HB 1202, HB 1221, HB 1247, HB 1274, HB 1279, HB 1319, HB 1353, HB 1376, HB 1382, HB 1384, HB 1417, HB 1434, HB 1441, HB 1462, HB 1471, HCR 3008.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: HCR 3033.

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

MR. PRESIDENT: The Speaker has signed: HB 1041, HB 1107, HB 1186, HB 1194, HB 1238, HB 1352, HB 1370, HB 1394, HB 1395.

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

MR. PRESIDENT: The Speaker has signed: HB 1060, HB 1082, HB 1083, HB 1235, HB 1302, HB 1311, HB 1378, HB 1407, HB 1428, HB 1445.

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

MR. PRESIDENT: The Speaker has signed: HCR 3033.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2015: SB 2079, SB 2093.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2015: SB 2085, SB 2105, SB 2176, SB 2219, SB 2231, SB 2232, SB 2277, SB 2299, SB 2343, SB 2357.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 7, 2015: SCR 4006, SCR 4016.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Wednesday, April 8, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1144, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Sixth order on the calendar.

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

Page 1, line 19, remove "any person who uses a vehicle in connection"

Page 1, replace lines 20 and 21 with "an individual who:

- a. Receives connections to potential passengers and related services from a transportation network company in exchange for payment or a fee to the transportation network company; and
- b. Uses a personal vehicle to offer or provide prearranged transportation services to a passenger upon connection through an online-enabled application or platform controlled by a transportation network company in return for compensation or payment of a fee."

Page 2, line 1, after "6." insert "'Personal injury protection' means basic no-fault benefits as defined under subsection 2 of section 26.1-41-01.

7."

Page 2, line 1, remove "that"

Page 2, replace lines 2 through 4 with "which uses an online-enabled application or platform to connect a passenger with an independent participating driver who provides prearranged transportation services using a personal vehicle. A transportation network company may not be deemed to control, direct, or manage the personal vehicles or participating drivers that connect to the transportation network company online-enabled application or platform, unless agreed to by written contract."

Page 2, line 5, replace "7." with "8."

Page 3, line 8, remove "Transportation network company insurance coverage provided under this section"

Page 3, replace lines 9 through 11 with "Transportation network company insurance coverage provided under this section for uninsured motorist coverage must meet the requirements under section 26.1-40-15.2, which is primary coverage."

c. Transportation network company insurance coverage provided under this section for underinsured motorist coverage must meet the requirements under section 26.1-40-15.3, which is primary coverage."

Page 3, line 12, replace "c." with "d."

Page 3, line 12, after "provide" insert "primary"

Page 3, line 13, remove "when required"

Page 3, line 15, replace "d." with "e."

Page 3, line 17, replace "e." with "f."

Page 3, line 21, replace "f." with "g."

Page 3, line 21, replace "In every instance where" with "If"

Page 3, after line 25, insert:

"26.1-40.1-04. Insurance coverage during the application on stage with no passengers in vehicle.

1. During the application on stage, the transportation network company insurance must include:
 - a. Motor vehicle liability coverage that is primary coverage. The coverage must include at least fifty thousand dollars per person and one hundred thousand dollars per incident for death and bodily injury and at least twenty-five thousand dollars for property damage.
 - b. Uninsured motorist coverage under section 26.1-40-15.2 which is primary coverage.
 - c. Underinsured motorist coverage under section 26.1-40-15.3 which is primary coverage.
 - d. Personal injury protection under chapter 26.1-41 which is primary coverage.
2. The requirements for coverage under this section may be satisfied by:
 - a. Transportation network company insurance maintained by a participating driver:
 - b. Transportation network company insurance maintained by a transportation network company; or

- c. Any combination of subsections a and b.
- 3. The following apply to insurance requirements under this section:
 - a. The primary insurer, in the case of insurance coverage provided under subdivision a of subsection 1, has the sole duty to defend and indemnify the insured.
 - b. Coverage under a transportation network company insurance policy may neither be dependent on a driver's personal automobile insurance policy carrier first denying a claim nor a personal automobile insurance policy carrier being required to first deny a claim.
 - c. If transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of this section has excluded coverage according to its policy or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

26.1-40.1-05. Automobile insurers.

Insurers that write personal automobile insurance may allow no-fault insurance coverage to be conditional on transportation network company no-fault insurance coverage under sections 26.1-40.1-03 and 26.1-40.1-04."

Page 3, line 26, replace "**26.1-40.1-04**" with "**26.1-40.1-06**"

Page 4, line 1, replace "**26.1-40.1-05**" with "**26.1-40.1-07**"

Page 4, line 5, after the second "of" insert "less than"

Page 4, line 5, remove "or less"

Page 4, line 8, replace "**26.1-40.1-06**" with "**26.1-40.1-08**"

Page 4, remove lines 15 through 21

Page 4, line 22, replace "**26.1-40.1-08**" with "**26.1-40.1-09**"

Page 4, line 25, replace "**26.1-40.1-09**" with "**26.1-40.1-10**"

Page 4, replace lines 26 through 30 with:

"A participating driver of a transportation network company shall carry proof of transportation network company insurance coverage at all times during the driver's use of a vehicle in connection with a transportation network company's online-enabled application or platform. In the event of an accident, a participating driver shall provide this insurance coverage information to any other party involved in the accident and to a police officer, upon request."

Page 5, line 1, replace "**26.1-40.1-10**" with "**26.1-40.1-11**"

Page 6, line 14, replace "eighteen" with "twenty-one"

Page 6, line 15, replace "**Records**" with "**Personally identifiable information**"

Page 6, replace lines 16 through 26 with "A transportation network company may not disclose any personally identifiable information of a transportation network company passenger, except pursuant to the publicly disclosed terms of the transportation network company's privacy policy. For any other disclosure not governed by the privacy policy, the transportation network company must obtain the passenger's consent before the company may disclose the passenger's personally identifiable information."

39-34-05. Audit.

1. The department may audit the records of a transportation network company by means of random sample of the transportation network company's records related to transportation network drivers:
 - a. No more than twice in a year's time.
 - b. At an agreed upon location.
 - c. Notwithstanding subdivision a, in a reasonable timeframe to investigate a complaint related to public safety or a violation of this Act, if the department provides details on the nature of the complaint.
2. The department may impose a civil penalty of up to five hundred dollars for each violation of this chapter."

Page 7, line 3, after the underscored period insert "A political subdivision may prohibit a transportation network company from operating without a state permit within the jurisdiction of the political subdivision.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1392: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 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 40-22 of the North Dakota Century Code, relating to adoption of municipal policy establishing special assessment determination methods for allocation of assessments among and within classes of property; to amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to the disposition of the property of a dissolved city by a county.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-22 of the North Dakota Century Code is created and enacted as follows:

Municipal policy providing special assessment determination methods for allocation of assessments among and within classes of property.

Within five months of this section becoming applicable to a city, the governing body of each city with a population exceeding ten thousand shall adopt written policies, after a public hearing for consideration of the policies, which will be applied for cost allocation among properties benefited by a special assessment project. Policies established under this section must provide separately the policy that will be applied for cost allocation for each kind of special assessment district and, within each kind of special assessment district, the cost allocation method for residential, commercial, agricultural, and mobile home park property and for any property subject to separate or special assessment factors or assessment rates.

SECTION 2. AMENDMENT. Section 40-53.1-07 of the North Dakota Century Code is amended and reenacted as follows:

40-53.1-07. Dissolution - Care of property - Manager - Disposition of funds.

If a city is dissolved, the board of county commissioners shall assume control of all property belonging to the dissolved city and shall employ a qualified person to

manage and operate the property and to collect all charges due from the operation of such property or dispose of the property in accordance with chapter 11-27. The person employed shall execute a bond to the county in an amount determined by the board of county commissioners, conditioned that that person will faithfully perform that person's duties and will promptly pay all money that person receives to the county treasurer monthly on the first day of each month. The bond shall be executed by the person employed and a surety company authorized to do business in the state. The premium on the bond shall be paid by the board of county commissioners from city funds, if any, and if none, from county funds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1432, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1432, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 888-890 of the Senate Journal, Engrossed House Bill No. 1432 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 4-01 of the North Dakota Century Code, relating to federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors; to provide for a transfer; to provide for a continuing appropriation; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Federal environmental law impact review committee.

1. The federal environmental law impact review committee consists of:
 - a. The agriculture commissioner, who shall serve as the chairman;
 - b. The governor or the governor's designee;
 - c. The majority leader of the house of representatives, or the leader's designee;
 - d. The majority leader of the senate, or the leader's designee;
 - e. One member of the legislative assembly from the minority party, selected by the chairman of the legislative management;
 - f. One individual appointed by the lignite energy council;
 - g. One individual appointed by the North Dakota corn growers association;
 - h. One individual appointed by the North Dakota grain growers association;
 - i. One individual appointed by the North Dakota petroleum council;
 - j. One individual appointed by the North Dakota soybean growers association; and
 - k. One individual appointed by the North Dakota stockmen's association.

2. The committee shall review federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors and confer with the attorney general with respect to participation in administrative or judicial processes pertaining to such legislation or regulations.
3.
 - a. Any member of the legislative assembly serving on the committee is entitled to compensation at the rate provided for attendance at interim committee meetings and reimbursement for expenses, as provided by law for state officers, if the member is attending meetings of the committee or performing duties directed by the committee.
 - b. The compensation and reimbursement of expenses, as provided for in this subsection, are payable by the legislative council.

SECTION 2. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Environmental impact - Cost of participation.

1. Any expenses incurred by the agriculture commissioner or by the federal environmental law impact review committee in meeting the requirements of section 1 of this Act must be paid by the agriculture commissioner from the federal environmental law impact fund.
2. If the attorney general elects to participate in an administrative or judicial process, pertaining to federal environmental legislation or regulations, which detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, any expenses incurred by the attorney general in the participation must be paid by the agriculture commissioner from the federal environmental law impact review fund.
3. For purposes of this section, "expenses" include administrative costs, consulting fees, research costs, expert witness fees, attorney fees, and travel costs.

SECTION 3. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Gifts - Grants - Donations.

The agriculture commissioner may accept gifts, grants, and donations for the purposes set forth in section 2 of this Act, provided the commissioner posts the amount and source of any gifts, grants, and donations on the department of agriculture's website. Any moneys received in accordance with this section must be deposited in the federal environmental law impact review fund.

SECTION 4. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Federal environmental law impact review fund - Continuing appropriation.

1. The federal environmental law impact review fund consists of:
 - a. Any moneys appropriated or transferred for the purposes set forth in section 2 of this Act; and
 - b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the purposes set forth in section 2 of this Act.

2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 2 of this Act.

SECTION 5. APPROPRIATION - TRANSFER - FEDERAL ENVIRONMENTAL LAW IMPACT REVIEW FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, which the office of management and budget shall transfer to the federal environmental law impact review fund, for the purpose of funding the state's participation in administrative or judicial processes based on federal environmental legislation or regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, for the biennium beginning July 1, 2015, and ending June 30, 2017. The office of management and budget shall transfer sums under this section at the time and in the amount directed by the agriculture commissioner."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2050, as engrossed: Your conference committee (Sens. J. Lee, Dever, Axness and Reps. Fehr, Weisz, Muscha) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 993 and place SB 2050 on the Seventh order.

Engrossed SB 2050 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2052, as engrossed: Your conference committee (Sens. Armstrong, Casper, Grabinger and Reps. Delmore, Karls, K. Koppelman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 832, adopt amendments as follows, and place SB 2052 on the Seventh order:

That the House recede from its amendments as printed on page 832 of the Senate Journal and pages 970 and 971 of the House Journal and that Engrossed Senate Bill No. 2052 be amended as follows:

Page 1, line 9, remove "and"

Page 1, line 9, after "application" insert "; and to declare an emergency"

Page 3, line 26, remove "may, for a first violation or occurrence, and"

Page 3, line 26, remove ", for a second or"

Page 3, line 27, remove "subsequent violation or occurrence,"

Page 3, line 28, after "54-12" insert "for a period of not less than thirty days"

Page 4, after line 11, insert:

- "4. If the juvenile court requires the child to participate in a juvenile drug court program, the juvenile court may waive the participation in the twenty-four seven sobriety program requirements of this section."

Page 16, after line 25, insert:

"SECTION 15. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2052 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2109, as engrossed: Your conference committee (Sens. Casper, Campbell, Axness and

Reps. Weisz, Olson, M. Nelson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 939-940 and place SB 2109 on the Seventh order.

Engrossed SB 2109 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2120, as engrossed: Your conference committee (Sens. Laffen, Hogue, Triplett and Reps. Froseth, Lefor, Muscha) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 866, adopt amendments as follows, and place SB 2120 on the Seventh order:

That the House recede from its amendments as printed on page 866 of the Senate Journal and page 1004 of the House Journal and that Engrossed Senate Bill No. 2120 be amended as follows:

Page 2, line 4, replace "twenty-five" with "ten"

Renumber accordingly

Engrossed SB 2120 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2092, as engrossed: Your conference committee (Sens. Rust, Davison, Marcellais and Reps. D. Johnson, Looyson, Hunskor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 798-799, adopt amendments as follows, and place SB 2092 on the Seventh order:

That the House recede from its amendments as printed on pages 798 and 799 of the Senate Journal and pages 951 and 952 of the House Journal and that Engrossed Senate Bill No. 2092 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 15.1-12-10 and section 15.1-12-14 of the North Dakota Century Code, relating to the content of a school district reorganization plan and school board authority following approval of a reorganization plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-12-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The reorganization plan required by section 15.1-12-09 must:
 - a. Include a map showing the boundaries of each participating district and of the proposed new district;
 - b. Include the number of students enrolled in each participating district during the current school year and during the ten preceding school years;
 - c. Include projected student enrollments for the ensuing ten years;
 - d. Include the location and condition of all school buildings and facilities in each participating district and intended uses for the buildings and facilities;
 - e. Address planned construction, modification, or improvement of school buildings and facilities located within the boundaries of the new district;
 - f. Address planned course offerings by the new district;

- g. Include the planned administrative structure of the new district and the number of full-time equivalent personnel to be employed by the new district;
- h. Include the planned number of members who will constitute the board of the new district and the manner in which the members are to be elected;
- i. Address plans regarding student transportation;
- j. Identify other governmental entities, including multidistrict special education units and area career and technology centers, which may provide services to the new district;
- k. Include the taxable valuation and per student valuation of each participating district and the taxable valuation and per student valuation of the new district;
- l. Include the amount of all bonded and other indebtedness incurred by each participating district;
- m. Include the current budget for each participating school district together with:
 - (1) The district's estimated ending fund balance; and
 - (2) A list of the district's anticipated expenditures for goods and services, whether in a single transaction or in multiple transactions, if the total value of the goods or services exceeds three thousand dollars, provided the requirements of this paragraph do not extend to salaries, benefits, or other compensation paid or payable to school district personnel;
- ~~n.~~ Address the planned disposition of all property, assets, debts, and liabilities of each participating district, taking into consideration section 15.1-12-18;
- ~~n-o.~~ Include a proposed budget for the new district and a proposed general fund levy and any other levies, provided that tax levies submitted to and approved by the state board as part of a reorganization plan are not subject to mill levy limitations otherwise provided by law;
- ~~o-p.~~ Include the official name of the new district, which must include the phrase "school district" or "public school district" and which may include no more than two additional words;
- ~~p-q.~~ Include the number of the new district, as assigned by the superintendent of public instruction; and
- ~~q-r.~~ Include any other information that the participating school districts wish to have considered by the county committee or the state board.

SECTION 2. AMENDMENT. Section 15.1-12-14 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-14. School district reorganization - School boards - Assumption of duties - Approval of expenditures - Contracts.

1. Upon approval of a reorganization plan by the electors, in accordance with section 15.1-12-11, a school board for the reorganized district must be elected at the next regular school district election or at a special election called by the county superintendent of schools for that purpose. The first school board election in a newly reorganized district is governed by chapter 15.1-09.

2. Members of newly formed school boards representing reorganized districts may not enter upon the duties of office until the time specified in section 15.1-12-18, except as provided in sections 15.1-12-15 and 15.1-12-16. ~~Before the completion of a reorganization, the board of an existing district may not contract or obligate the district, except with the approval of the county committee or unless authorized by law.~~
3. Unless otherwise directed by law or by the reorganization plan, between the date on which the reorganization is approved and the date on which the reorganization becomes effective, the board of a school district participating in the reorganization must obtain written consent from the board of every other school district participating in the reorganization before it:
 - a. Enters into any new contract, whether oral or written, which financially obligates the district;
 - b. Renews any existing contract, whether oral or written, which financially obligates the district; or
 - c. Purchases any goods or services, whether in a single or in multiple transaction, if the total value of the goods or services exceeds three thousand dollars, provided the requirements of this subdivision do not extend to salaries, benefits, or other compensation paid or payable to school district personnel."

Renumber accordingly

Engrossed SB 2092 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4011, as engrossed: Your conference committee (Sens. Davison, Rust, Oban and Reps. Looyesen, Meier, Nathe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 904, adopt amendments as follows, and place SCR 4011 on the Seventh order:

That the House recede from its amendments as printed on page 904 of the Senate Journal and page 1053 of the House Journal and that Engrossed Senate Concurrent Resolution No. 4011 be amended as follows:

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress to redefine the role and mission of the United States Department of Education and to clarify the department's relationship with the states.

WHEREAS, while Section VIII of Article I of the United States Constitution sets forth the enumerated powers given to Congress, the power to control or direct the education of this nation's children is not included therein; and

WHEREAS, the Tenth Amendment to the United States Constitution states that any powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people; and

WHEREAS, neither the words "education" nor "school" nor any of their derivatives are found in the United States Constitution; and

WHEREAS, education is indisputably a pillar of a free society, it is incumbent upon the federal government to recognize that the states are constitutionally responsible for the provision of education and it is incumbent upon the states to recognize that the challenges of the 21st Century are not local, regional, or even national, but global in scope and therefore require that states and the United States Department of Education work in concert with each other to ensure that children from every state in the union and all walks of life have access to a world class curriculum, taught by world class teachers, in a safe and secure environment that allows them to

challenge their imaginations, to explore the world of knowledge, and to reach higher and farther than they or their parents ever dreamed possible;

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

That the Sixty-fourth Legislative Assembly urges the Congress of the United States to redefine the role and mission of the United States Department of Education so that it will function as a collaborating partner with the states in order to harness the maximum fiscal resources and to ensure that those resources are used effectively and efficiently at the state and local levels for the provision of educational services and opportunities to all children, as envisioned by the founding fathers, as supported by the residents of this and the other states, and as required by circumstances so that this great country is once again and unequivocally the global leader in educational achievement; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Education, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

Engrossed SCR 4011 was placed on the Seventh order of business on the calendar.

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

Jane Schaible, Secretary