

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, April 7, 2015

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

The prayer was offered by Pastor Kari Bitz, Cord of Three Ministries, Bismarck.

The roll was called and all members were present except Representatives Frantsvog, Paur, and Strinden.

A quorum was declared by the Speaker.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact sections 50-32-01, 50-32-02, 50-32-03, and 50-32-05 of the North Dakota Century Code, relating to assisted living facilities licensing; and to repeal section 50-32-02.1 of the North Dakota Century Code, relating to assisted living facilities.

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 17 YEAS, 74 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Carlson; Damschen; Fehr; Guggisberg; Hanson; Hofstad; Johnson, M.; Karls; Kiefert; Kretschmar; Nathe; Porter; Schreiber Beck; Silbernagel; Streyle; Toman

NAYS: Amerman; Anderson, B.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Delmore; Delzer; Devlin; Dockter; Dosch; Froseth; Glassheim; Haak; Hatlestad; Hawken; Headland; Hogan; Holman; Hunskor; Johnson, D.; Kading; Kasper; Keiser; Kelsh; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Pollert; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Skarphol; Steiner; Sukut; Thoreson; Trotter; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed SB 2083, as amended, failed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to HB 1030 as printed on HJ page 1216 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:

HB 1030: Reps. Kretschmar, Klemin, Wallman.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2072, Engrossed SB 2161, and Engrossed SCR 4010, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2072: Reps. Klemin, Larson, P. Anderson

Engrossed SB 2161: Reps. Hawken, Kretschmar, Wallman

Engrossed SCR 4010: Reps. Kasper, Louser, Amerman

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KASPER MOVED that the House do concur in the Senate amendments to Engrossed HB 1038 as printed on HJ pages 1216-1217, which motion prevailed on a voice vote.

Engrossed HB 1038 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact section 54-52.1-04.13 of the North Dakota Century Code, relating to public employees retirement system uniform group insurance coverage of telehealth; to require a report regarding coverage of telehealth; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Becker, Rick C.; Bellew; Delzer; Karls; Koppelman, B.; Olson; Ruby; Toman

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1038, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HEADLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1089 as printed on HJ pages 1296-1297, which motion prevailed on a voice vote.

Engrossed HB 1089 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for enterprise information technology equipment and computer software purchased for use in a qualified data center; to provide for a retroactive effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Owens; Porter; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel;

Silbernagel; Steiner; Streyle; Thoreson; Toman; Trottier; Zubke

NAYS: Amerman; Anderson, P.; Becker, Rick C.; Bellew; Brabandt; Delzer; Devlin; Hogan; Kading; Koppelman, B.; Koppelman, K.; Louser; Mooney; Nelson, M.; Olson; Onstad; Oversen; Pollert; Rohr; Ruby; Schatz; Skarphol; Sukut; Vigesaa; Wallman; Weisz; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1089, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KASPER MOVED that the House do concur in the Senate amendments to Engrossed HB 1441 as printed on HJ page 1131, which motion prevailed on a voice vote.

Engrossed HB 1441 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to certification of delegates to a convention of the states, called pursuant to article V of the United States Constitution, to amend the United States Constitution.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Hawken; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looysen; Louser; Meier; Monson; Nathe; Nelson, J.; Olson; Owens; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Speaker Belter

NAYS: Amerman; Anderson, P.; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunsakor; Kelsh; Kiefert; Kretschmar; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Schneider; Silbernagel; Wallman; Zubke

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1441, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1116 as printed on HJ pages 1250-1251, which motion prevailed on a voice vote.

Engrossed HB 1116 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact sections 23-02.1-01, 23-02.1-13, 23-02.1-15, 23-02.1-19, 23-02.1-20, 23-02.1-25, and 23-02.1-27, and subsection 5 of section 23-02.1-30 of the North Dakota Century Code, relating to the Health Statistics Act; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Porter; Sanford; Schatz; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Bellew; Koppelman, B.; Olson; Rohr; Ruby; Schmidt

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1116, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1247 as printed on HJ page 1050, which motion prevailed on a voice vote.

Engrossed HB 1247 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to early childhood services training on safe sleep practices for infants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Becker, Rick C.; Bellew; Delzer; Kading; Nelson, M.; Olson; Ruby; Streyle; Toman

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1247, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to HB 1086 as printed on HJ page 1002, which motion prevailed on a voice vote.

HB 1086 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact subsection 10 of section 28-22-02 and subsection 1 of section 28-22-03.1 of the North Dakota Century Code, relating to

absolute exemptions from process, levy, or sale.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog; Paur; Strinden

Engrossed HB 1086 passed.

MOTION

REP. VIGESAA MOVED the final passage of all the Do Pass Senate resolutions on the Consent Calendar, which motion prevailed.

SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR

SCR 4017: A concurrent resolution urging the United States Senate Committee on the Judiciary to support S. 2536, the Stop Advertising Victims of Exploitation (SAVE) Act, to provide for more stringent inquiry into the age and circumstances of those whose availability is being advertised on websites that facilitate human trafficking.

SCR 4021: A concurrent resolution directing the Legislative Management to study how the institution for mental disease Medicaid reimbursement exclusion impacts this state, including the impact on Medicaid enrollees and on private and public sector providers.

The question being on the final adoption of the resolutions, which have been read.

SCR 4017 and SCR 4021 were declared adopted on a voice vote.

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 1249: Sens. Unruh; Schaible; Triplett

HB 1437: Sens. Bekkedahl; Cook; Dotzenrod

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: 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 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: 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.

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 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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 7, 2015: HCR 3033.

REPORT OF STANDING COMMITTEE

SB 2031, as reengrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2031, as amended, was placed on the Sixth order on the calendar.

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 15.1-29-04;
- ~~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;
- ~~l.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

REPORT OF STANDING COMMITTEE

SB 2197, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2197 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2295, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2295 was placed on the Sixth order on the calendar.

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

ANNOUNCEMENT

REP. BELTER ANNOUNCED that the House stand in recess until 1:00 p.m.

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

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1305, line 37, replace "Hawken" with "Haak"

Page 1333, replace lines 23-29 with

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1249 as printed on HJ pages 1280-1281 and in the Senate amendments to Engrossed HB 1437 as printed on HJ pages 1255-1256 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed HB 1249: Reps. Hofstad, D. Anderson, Mock.

Engrossed HB 1437: Reps. Owens, Toman, Strinden.

Page 1348, replace lines 39-40 and page 1349, lines 2-9 with

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to HB 1057 as printed on HJ page 1302, in the Senate amendments to Engrossed HB 1095 as printed on HJ page 1297, in the Senate amendments to HB 1102 as printed on HJ page 1297, in the Senate amendments to HB 1229 as printed on HJ pages 1302-1303,

and in the Senate amendments to Reengrossed HB 1359 as printed on HJ pages 1303-1304 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:

HB 1057: Reps. Steiner, Dockter, Schneider.

Engrossed HB 1095: Reps. Lefor, Hofstad, Hunsakor.

HB 1102: Reps. Ruby, Keiser, Boschee.

HB 1229: Reps. Laning, Beadle, M. Nelson.

Reengrossed HB 1359: Reps. Hofstad, Weisz, Oversen.

Page 1340, line 47, remove "HB 1117"

Page 1348, remove line 36

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

SIXTH ORDER OF BUSINESS

SPEAKER BELTER DEEMED approval of the amendments to Reengrossed SB 2031 and Engrossed SB 2295.

Reengrossed SB 2031, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2295, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to amend and reenact sections 15-39.1-28, 15.1-06-04, 15.1-09-47, 15.1-09-48, 15.1-27-03.1, 15.1-27-03.2, 15.1-27-04.1, 15.1-27-04.2, 15.1-27-35.3, 15.1-27-45, 15.1-30-04, 15.1-36-02, 40-55-08, 40-55-09, 57-15-01.1, 57-15-14, 57-15-14.2, 57-15-17, 57-15-31, 57-19-01, 57-19-02, and 57-19-09 of the North Dakota Century Code, relating to the determination of state aid payable to school districts; to repeal sections 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-22.1, 15.1-27-42, 15.1-27-43, 15.1-27-44, 15.1-32-20, 57-15-14.4, 57-15-14.5, 57-15-17.1, and 57-19-04 and chapter 57-64 of the North Dakota Century Code, relating to the determination of state aid payable to school districts, school district levies, and mill levy reduction grants; to provide for a school district reporting review committee study and report to the legislative management; to provide for a legislative management study; to provide grants; to provide exemptions; to provide for contingent funding; 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 74 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Olson; Onstad; Owens; Paur; Pollert; Porter; Rohr; Sanford; Schmidt; Schreiber Beck; Seibel; Silbernagel; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Zubke; Speaker Belter

NAYS: Amerman; Anderson, P.; Becker, Rick C.; Boschee; Hanson; Hogan; Kelsh; Mooney; Muscha; Nelson, M.; Oversen; Ruby; Schatz; Skarphol; Strinden; Thoreson; Wallman

ABSENT AND NOT VOTING: Delmore; Frantsvog; Schneider

Reengrossed SB 2031, as amended, passed and the emergency clause was declared

carried.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact sections 43-39-01 and 43-39-04 and subdivision d of subsection 1 of section 43-39-10 of the North Dakota Century Code, relating to the regulation of athletic trainers; 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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Paur

ABSENT AND NOT VOTING: Delmore; Frantsvog; Schneider

Engrossed SB 2295, as amended, passed.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to provide an appropriation to the state department of health to expand a dental sealant program for elementary aged students.

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 36 YEAS, 55 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Beadle; Boe; Boschee; Fehr; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Keiser; Kelsh; Kretschmar; Larson; Maragos; Meier; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Schreiber Beck; Seibel; Strinden; Sukut; Wallman

NAYS: Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Froseth; Headland; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Looyen; Louser; Martinson; Monson; Nathe; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Delmore; Frantsvog; Schneider

Engrossed SB 2197 failed.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like

committee from the Senate as a Conference Committee on Engrossed SB 2139, Reengrossed SB 2292, and Engrossed SB 2312, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2139: Reps. Weisz, Schatz, M. Nelson

Reengrossed SB 2292: Reps. Headland, Owens, Haak

Engrossed SB 2312: Reps. Owens, Sukut, Hanson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1197 as printed on HJ pages 1162-1163, which motion prevailed on a voice vote.

Engrossed HB 1197 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to provide for a prohibition on the purchase of real property and easements for wildlife or conservation purposes with public funds.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 66 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Brabandt; Brandenburg; Carlson; Damschen; Devlin; Dockter; Fehr; Froseth; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Sanford; Schmidt; Schreiber Beck; Seibel; Silbernagel; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

NAYS: Amerman; Becker, Rick C.; Bellew; Boehning; Boschee; Delzer; Dosch; Glassheim; Guggisberg; Hanson; Holman; Keiser; Laning; Lefor; Mitskog; Mock; Mooney; Olson; Onstad; Oversen; Ruby; Schatz; Skarphol; Steiner; Wallman

ABSENT AND NOT VOTING: Delmore; Frantsvog; Schneider

Reengrossed HB 1197 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HEADLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1340 as printed on HJ page 1371, which motion prevailed on a voice vote.

Engrossed HB 1340 as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to methods of protest of special assessment projects; to provide for a legislative management study; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson;

Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Hanson

ABSENT AND NOT VOTING: Delmore; Frantsvog; Schneider

Engrossed HB 1340, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. JOHNSON MOVED that the conference committee report on Engrossed HB 1283 as printed on HJ page 1375 be adopted, which motion failed on a verification vote.

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

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

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.

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 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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006

Page 1, replace line 13 with:

"Salaries and wages	\$1,135,606	\$312,031	\$1,447,637"
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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	<u>10,772</u>			
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	(5,269)	(5,269)
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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$5,874,989	\$862,201	\$6,737,190
Accrued leave payments	120,783	(120,783)	0
Operating expenses	1,428,445	146,807	1,575,252
Contingency	156,000	(79,000)	77,000
Total special funds	\$7,580,217	\$809,225	\$8,389,442
Full-time equivalent positions	29.00	1.00	30.00"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1008 - Department of Financial Institutions - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$5,874,989	\$6,560,538	\$176,652	\$6,737,190
Operating expenses	1,428,445	1,544,652	30,600	1,575,252
Contingency	156,000	77,000		77,000
Accrued leave payments	120,783			
Total all funds	\$7,580,217	\$8,182,190	\$207,252	\$8,389,442
Less estimated income	7,580,217	8,182,190	207,252	8,389,442
General fund	\$0	\$0	\$0	\$0
FTE	29.00	29.00	1.00	30.00

Department No. 413 - Department of Financial Institutions - Detail of Senate Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Adds Funding for New Credit Union Examiner ²	Total Senate Changes
Salaries and wages	(\$18,268)	\$194,920	\$176,652
Operating expenses		30,600	30,600
Contingency			
Accrued leave payments			
Total all funds	(\$18,268)	\$225,520	\$207,252
Less estimated income	(18,268)	225,520	207,252
General fund	\$0	\$0	\$0
FTE	0.00	1.00	1.00

FTE

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

² Funding is added from other funds for a new credit union examiner (\$187,489) and related salary increase (\$7,431) and operating expenses (\$30,600).

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010

Page 1, replace lines 11 through 17 with:

"Salaries and wages	\$790,756	\$95,541	\$886,297
Accrued leave payments	7,933	(7,933)	0
Operating expenses	338,023	39,346	377,369
Grants	<u>2,102,307</u>	<u>200,000</u>	<u>2,302,307</u>
Total all funds	\$3,239,019	\$326,954	\$3,565,973
Less estimated income	<u>1,744,917</u>	<u>550</u>	<u>1,745,467</u>
Total general fund	\$1,494,102	\$326,404	\$1,820,506"

Page 2, replace lines 2 and 3 with:

"Update cultural guide	\$10,000	\$0
Grants	<u>0</u>	<u>200,000</u>
Total general fund	\$10,000	\$200,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Council on the Arts - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$790,756	\$889,308	(\$3,011)	\$886,297
Operating expenses	338,023	366,586	10,783	377,369
Grants	2,102,307	2,102,307	200,000	2,302,307
Accrued leave payments	<u>7,933</u>			
Total all funds	\$3,239,019	\$3,358,201	\$207,772	\$3,565,973
Less estimated income	<u>1,744,917</u>	<u>1,745,467</u>	0	<u>1,745,467</u>
General fund	\$1,494,102	\$1,612,734	\$207,772	\$1,820,506
FTE	5.00	5.00	0.00	5.00

Department No. 709 - Council on the Arts - Detail of Senate Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Adjusts Inflationary Increases ²	Increases Grant Funding ³	Total Senate Changes
Salaries and wages	(\$3,011)			(\$3,011)
Operating expenses		10,783		10,783
Grants			200,000	200,000
Accrued leave payments				
Total all funds	(\$3,011)	\$10,783	\$200,000	\$207,772
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	(\$3,011)	\$10,783	\$200,000	\$207,772
FTE	0.00	0.00	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 adjusted for inflationary increases.

³ Funding is adjusted for one-time grant funding.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1217

Page 2, line 12, remove the overstrike over "a"

Page 2, line 13, remove the overstrike over "~~protection order~~"

Page 2, line 13, remove the overstrike over "~~under section 14-07.1-02~~"

Page 2, line 14, remove the underscored colon

Page 2, line 15, replace "(1) A" with an underscored comma

Page 2, line 15, after the first underscored comma insert "ex parte temporary"

Page 2, line 15, after the second underscored comma insert "order prohibiting contact."

Page 2, remove lines 17 through 26

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1313

Page 3, line 22, replace "twenty or more than thirty-five" with "forty-five"

Page 3, line 23, after "proposed" insert "subsidiary"

Page 3, line 24, after "the" insert "stock of the"

Page 3, line 24, remove "through"

Page 3, line 25, remove "the purchase of all the stock of the converted stock company"

Page 4, line 1, replace "a majority" with "two-thirds"

Page 4, line 4, replace "a majority" with "two-thirds"

Page 4, line 23, after the underscored period insert "The application fee is in addition to other direct costs incurred by the commissioner in reviewing the proposed plan of conversion."

Page 5, line 3, remove "Immediately, the commissioner shall give written notice to the converting mutual"

Page 5, remove line 4

Page 5, line 5, remove "reasons for the decision."

Page 5, line 8, after "b." insert "The plan is fair and equitable to the converting mutual company, the members of the converting mutual company, and the eligible members of the converting mutual company;

c."

Page 5, line 8, remove the second "and"

Page 5, line 9, replace "c." with "d."

Page 5, line 9, replace the underscored period with "; and

- e. The converted stock company will have the amount of capital and surplus deemed by the commissioner to be reasonable for its future solvency."

Page 5, line 14, replace "may" with "shall"

Page 5, line 18, after "7." insert "The commissioner shall give written notice of any decision to the converting mutual company and, in the event of disapproval, a detailed statement of the reasons for the decision.

8."

Page 5, line 19, after "conversion" insert "no later than forty-five days before the meeting"

Page 5, line 19, remove "briefly but fairly"

Page 5, line 20, after the underscored comma insert "must inform the member how the proposed plan of conversion will affect the member's membership rights."

Page 5, line 22, after the underscored period insert "The notice must provide instructions on how the member can obtain, either by mail or electronically, a full copy of the proposed plan of conversion."

Page 5, line 25, replace "8." with "9."

Page 5, line 26, replace "a majority" with "two-thirds"

Page 6, line 1, replace "9." with "10."

Page 6, line 3, replace "a majority" with "two-thirds"

Page 6, line 5, replace "10." with "11."

Page 6, line 9, after "approved" insert ", which must include the record of total votes cast in favor of the plan"

Page 7, line 8, after "proposed" insert "subsidiary"

Page 7, line 9, remove "all"

Page 7, line 21, replace "total price" with "pro-forma market value"

Page 8, line 2, remove "all"

Page 9, line 2, replace "amount" with "value"

Page 9, line 10, after "5." insert "The dollar value of a subscription right based upon the application of the Black-Scholes option pricing model or another generally accepted option pricing model. In connection with the determination of stock price volatility or other valuation inputs used in option pricing models, the qualified independent expert may assume that the attributes of the converted stock company will be substantially similar to the attributes of the stock of the peer companies used to determine the estimated pro-forma market value of the converted stock company. The term of a subscription right is a minimum of ninety days for the sole purpose of determining the value of a subscription right.

6. The plan must provide that each eligible member has the right to require the mutual company to redeem such subscription rights, in lieu of exercising the subscription rights allocated to each eligible member, at a price equal to the number of subscription rights allocated to each eligible member multiplied by the dollar value of the subscription right as determined by the qualified independent expert pursuant to subsection 4. The obligation of the mutual company to redeem subscription rights arises only upon the effective date of the plan. The redemption price payable to each eligible member must be paid to the member within thirty

days of the effective date of the plan. Alternatively, the converted stock company may offer each eligible member the option of receiving the redemption amount in cash or having the redemption amount credited against future premium payments. An eligible member that does not exercise their subscription rights, and which also fails to affirmatively request redemption of the member's subscription rights before the expiration of the subscription offering, nevertheless is deemed to have requested redemption of the member's subscription rights and shall receive the redemption amount in cash in the manner otherwise provided in this subsection.

7. "

Page 9, line 17, replace "6." with "8."

Page 9, line 30, replace "7." with "9."

Page 10, line 13, replace "8." with "10."

Page 10, line 23, replace "9." with "11."

Page 10, line 25, replace "10." with "12."

Page 10, line 26, replace "three" with "two"

Page 11, remove lines 9 through 29

Page 11, line 30, replace "3." with "1."

Page 12, line 13, replace "4." with "2."

Page 12, line 13, replace the first "the" with "that"

Page 12, line 14, remove ", without payment."

Page 12, remove lines 22 through 24

Page 12, line 25, replace "c." with "b."

Page 12, line 28, replace "d." with "c."

Page 15, line 24, replace "Except as provided for in a plan of conversion approved by the commissioner, a" with "A"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1333

Page 2, line 19, remove "If the identification provided does not verify that"

Page 2, remove lines 20 through 24

Page 2, line 25, remove "and which is from a date thirty or more days before the election."

Page 2, line 27, remove "or expired"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1360

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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1456

Page 1, line 10, replace "access" with "excess"

Renumber accordingly

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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1241

Page 1, line 3, replace "and sections" with "section"

Page 1, line 3, after "62.1-04-02" insert ", subsections 2 and 7 of section 62.1-04-03,"

Page 1, line 3, after the second "and" insert "section"

Page 2, line 7, after the underscored period insert "However, the term includes a device that uses a projectile and may be used to apply multiple applications of voltage during a single incident."

Page 2, line 13, remove "and consumption"

Page 2, line 13, after "beverages" insert "and the consumption of purchased alcoholic beverages"

Page 2, line 14, overstrike "in the possession of" and insert immediately thereafter "that individual knowingly possesses"

Page 2, line 16, after "for" insert "the knowing"

Page 3, line 3, after "who" insert "knowingly"

Page 3, line 25, after "k." insert "An individual in a publicly owned or operated rest area or restroom:

l."

Page 3, line 25, overstrike "class 1"

Page 4, line 3, overstrike "l." and insert immediately thereafter "m."

Page 6, overstrike lines 23 and 24

Page 6, line 25, overstrike "agent intended for use in the defense of an individual, nor does the term include any"

Page 6, line 26, overstrike "device that uses"

Page 6, line 26, overstrike "voltage for the defense of an individual"

Page 6, line 26, and remove ", unless the"

Page 6, replace lines 27 and 28 with:

"SECTION 9. AMENDMENT. Subsection 2 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The attorney general shall offer class 1 firearm and class 2 firearm and dangerous weapon licenses to carry a firearm or dangerous weapon concealed under the following requirements:
 - a. An applicant for a class 1 firearm license shall successfully participate in a classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota, complete an open book test based upon a manual, demonstrate familiarity with a firearm, and complete an actual shooting or certified proficiency exercise. Evidence of familiarity with a firearm to be concealed may be satisfied by one of the following:
 - (1) Certification of familiarity with a firearm by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor;

- (2) Evidence of equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service;
 - (3) Possession of a license from another state to carry a firearm, concealed or otherwise, which is granted by that state upon completion of a course described in paragraphs 1 and 2; or
 - (4) Evidence that the applicant, during military service, was found to be qualified to operate a firearm.
- b. An applicant for a class 2 firearm and dangerous weapon license is required to successfully complete the open book test offered for the class 1 firearm license.
 - c. A North Dakota resident who has a valid class 1 firearm license also may carry a class 2 dangerous weapon without any further testing required. Class 1 and class 2 permits are equally valid in this state.
 - d. Additional testing is not required to renew a class 2 firearm and dangerous weapon license. A class 1 firearm license may be renewed upon successful completion of the class 1 firearm requirements within thirty days before submission of the application for renewal.

SECTION 10. AMENDMENT. Subsection 7 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

- 7. The director of the bureau of criminal investigation may deny an application or revoke or cancel a license after it has been granted for any material misstatement by an applicant in an application for the license or any violation of this title. The director of the bureau of criminal investigation shall disclose to the applicant the specific reason for denial or revocation of the license.

Page 7, remove lines 20 through 22

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1450

Page 1, line 1, replace "subsections 1 and" with "subsection"

Page 1, line 1, remove ", sections"

Page 1, line 2, replace "62.1-02-04 and 62.1-02-05," with "and"

Page 1, line 2, remove the second comma

Page 1, line 3, remove "section 62.1-03-01, and subsection 2 of section 62.1-04-03"

Page 1, remove lines 6 through 21

Page 2, remove lines 5 through 29

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 15

Page 4, line 19, remove the overstrike over "property"

Page 4, remove lines 20 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 25

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1457

Page 1, line 2, after "firearms" insert "; and to provide for application"

Page 3, line 8, after "5." insert "a."

Page 3, line 19, replace the first "the" with ":

(1) The"

Page 3, line 19, after "crime" insert ", in an accidental shooting, or a self-inflicted shooting"

Page 3, line 19, replace ", there" with ":

(2) There"

Page 3, line 20, replace the underscored comma with an underscored semicolon

Page 3, line 20, replace the second "a" with:

(3) A"

Page 3, after line 21, insert:

"b."

Page 3, line 22, replace "section" with "subsection"

Renumber accordingly

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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, line 4, after the semicolon insert "to provide for a legislative management study,"

Page 1, replace lines 17 through 21 with:

"Salaries and wages	\$9,205,759	\$811,614	\$10,017,373
Operating expenses	3,940,926	1,109,005	5,049,931
Capital assets	0	416,800	416,800
National conference of state legislatures	<u>233,286</u>	<u>7,977</u>	<u>241,263</u>
Total general fund	\$13,379,971	\$2,345,396	\$15,725,367"

Page 2, replace lines 3 through 10 with:

"Salaries and wages	\$8,660,860	\$885,837	\$9,546,697
Accrued leave payments	143,087	(143,087)	0
Operating expenses	3,753,527	(271,091)	3,482,436
Capital assets	0	<u>30,000</u>	<u>30,000</u>
Total all funds	\$12,557,474	\$501,659	\$13,059,133
Less estimated income	<u>69,999</u>	<u>1</u>	<u>70,000</u>
Total general fund	\$12,487,475	\$501,658	\$12,989,133
Full-time equivalent positions	37.00	0.00	37.00"

Page 2, replace lines 15 through 17 with:

"Grand total general fund	\$25,867,446	\$2,847,054	\$28,714,500
Grand total special funds	<u>69,999</u>	<u>1</u>	<u>70,000</u>
Grand total all funds	\$25,937,445	\$2,847,055	\$28,784,500"

Page 2, replace lines 24 through 29 with:

"Legislative wing equipment and improvements	\$500,000	\$400,000
Information technology projects	42,000	0
Information technology equipment	0	603,050
LEGEND maintenance	0	191,760
Council of State Governments conference	<u>0</u>	<u>350,000</u>
Total general fund	\$542,000	\$1,544,810"

Page 10, after line 17, insert:

"SECTION 10. LEGISLATIVE MANAGEMENT STUDY - FINANCING STATE CONSTRUCTION PROJECTS. During the 2015-16 interim, the legislative management shall study the use of bonding to finance state building, road, and water construction projects. The study must include consideration of the effect that financing state construction projects with existing oil revenue has had on both the construction industry and the oil and gas industry. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1001 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Legislative Assembly				
Total all funds	\$13,379,971	\$15,500,927	\$224,440	\$15,725,367
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$13,379,971	\$15,500,927	\$224,440	\$15,725,367
Legislative Council				
Total all funds	\$12,557,474	\$13,086,236	(\$27,103)	\$13,059,133
Less estimated income	<u>69,999</u>	<u>70,000</u>	<u>0</u>	<u>70,000</u>
General fund	\$12,487,475	\$13,016,236	(\$27,103)	\$12,989,133
Bill total				
Total all funds	\$25,937,445	\$28,587,163	\$197,337	\$28,784,500
Less estimated income	<u>69,999</u>	<u>70,000</u>	<u>0</u>	<u>70,000</u>
General fund	\$25,867,446	\$28,517,163	\$197,337	\$28,714,500

House Bill No. 1001 - Legislative Assembly - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,205,759	\$10,192,933	(\$175,560)	\$10,017,373
Operating expenses	3,940,926	5,049,931		5,049,931
Capital assets		16,800	400,000	416,800
National conf of state legislatures	233,286	241,263		241,263
Total all funds	\$13,379,971	\$15,500,927	\$224,440	\$15,725,367
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$13,379,971	\$15,500,927	\$224,440	\$15,725,367
FTE	0.00	0.00	0.00	0.00

Department No. 150 - Legislative Assembly - Detail of Senate Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Adds One-Time Funding for Committee Room Renovations ²	Total Senate Changes
Salaries and wages	(\$175,560)		(\$175,560)

Operating expenses			
Capital assets		400,000	400,000
National conf of state legislatures			
Total all funds	(\$175,560)	\$400,000	\$224,440
Less estimated income	0	0	0
General fund	(\$175,560)	\$400,000	\$224,440
FTE	0.00	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 One-time funding is added for committee room renovations.

House Bill No. 1001 - Legislative Council - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,660,860	\$9,425,957	\$120,740	\$9,546,697
Operating expenses	3,753,527	3,482,436		3,482,436
Capital assets		30,000		30,000
Accrued leave payments	143,087	147,843	(147,843)	
Total all funds	\$12,557,474	\$13,086,236	(\$27,103)	\$13,059,133
Less estimated income	69,999	70,000	0	70,000
General fund	\$12,487,475	\$13,016,236	(\$27,103)	\$12,989,133
FTE	37.00	37.00	0.00	37.00

Department No. 160 - Legislative Council - Detail of Senate Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Moves Funding for Accrued Leave ²	Total Senate Changes
Salaries and wages	(\$27,103)	\$147,843	\$120,740
Operating expenses			
Capital assets			
Accrued leave payments		(147,843)	(147,843)
Total all funds	(\$27,103)	\$0	(\$27,103)
Less estimated income	0	0	0
General fund	(\$27,103)	\$0	(\$27,103)
ETF	0.00	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 provided in the accrued leave line item is moved to the salaries and wages line item.

This amendment also adds a section to provide for a Legislative Management study of the use of bonding to finance state building, road, and water construction projects.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

Page 1, replace line 11 with:

"Salaries and wages	\$15,874,867	\$2,059,737	\$17,934,604"
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Page 1, replace lines 13 through 17 with:

"Operating expenses	5,408,850	(97,850)	5,311,000
Capital assets	501,040	395,003	896,043

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"
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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	<u>15,081,100</u>	<u>14,714,408</u>	<u>1,251,514</u>	<u>15,965,922</u>
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	<u>14,260</u>	<u>429,624</u>	<u>(15,000)</u>	<u>15,000</u>	<u>130,830</u>	<u>126,800</u>

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 Bridge⁷	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.

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 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 1133, HB 1174, HB 1188, HB 1274, HB 1279, HB 1319, HB 1353, HB 1376, HB 1462, HB 1471, and HCR 3008.

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 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 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 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 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: SCR 4017, SCR 4021.

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 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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2015: HB 1041, HB 1107, HB 1186, HB 1194, HB 1238, HB 1352, HB 1370, HB 1394, HB 1395.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2015: HB 1060, HB 1082, HB 1083, HB 1235, HB 1302, HB 1311, HB 1378, HB 1407, HB 1428, HB 1445.

MOTION

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

MOTION

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

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Protection and advocacy operations	\$5,671,584	\$692,778	\$6,364,362"
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Page 1, replace lines 14 through 17 with:

"Total all funds	\$5,765,174	\$599,188	\$6,364,362
Less estimated income	<u>3,233,612</u>	<u>136,639</u>	<u>3,370,251</u>
Total general fund	\$2,531,562	\$462,549	\$2,994,111
Full-time equivalent positions	27.50	0.00	27.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2014 - Protection and Advocacy Project - House Action**

	Base Budget	Senate Version	House Changes	House Version
Protection and advocacy operations	\$5,671,584	\$6,588,085	(\$223,723)	\$6,364,362
Accrued leave payments	<u>93,590</u>			
Total all funds	\$5,765,174	\$6,588,085	(\$223,723)	\$6,364,362
Less estimated income	<u>3,233,612</u>	<u>3,432,853</u>	(62,602)	<u>3,370,251</u>
General fund	\$2,531,562	\$3,155,232	(\$161,121)	\$2,994,111
FTE	27.50	28.50	(1.00)	27.50

Department No. 360 - Protection and Advocacy Project - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Removes Paralegal Position ²	Reduces Operating Expenses ³	Total House Changes
Protection and advocacy operations	(\$25,397)	(\$158,326)	(\$40,000)	(\$223,723)
Accrued leave payments				
Total all funds	(\$25,397)	(\$158,326)	(\$40,000)	(\$223,723)
Less estimated income	<u>0</u>	<u>(62,602)</u>	<u>0</u>	<u>(62,602)</u>
General fund	(\$25,397)	(\$95,724)	(\$40,000)	(\$161,121)
FTE	0.00	(1.00)	0.00	(1.00)

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

² Funding is removed for a paralegal position (\$153,094) and related salary increase funding (\$5,232).

³ Funding is reduced for operating expenses to provide a base level increase of \$30,776.

REPORT OF CONFERENCE COMMITTEE

HB 1469, as engrossed: Your conference committee (Sens. Casper, Rust, Sinner and Reps. Sukut, Paur, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1131-1132 and place HB 1469 on the Seventh order.

Engrossed HB 1469 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

