

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, March 18, 2005

The Senate convened at 12:00 p.m., with President Pro Tem Grindberg presiding.

The prayer was offered by Senator Nething.

The roll was called and all members were present except Senators Andrist and Seymour.

A quorum was declared by the President Pro Tem.

## CONSIDERATION OF AMENDMENTS

**HB 1459, as reengrossed: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 879-881 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1248, as engrossed: SEN. BROWN (Human Services Committee) MOVED** that the amendments on SJ pages 877-878 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1272, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ page 878 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1276, as engrossed: SEN. WARDNER (Natural Resources Committee) MOVED** that the amendments on SJ page 878 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1290: SEN. SYVERSON (Judiciary Committee) MOVED** that the amendments on SJ pages 878-879 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1350, as engrossed: SEN. LYSON (Human Services Committee) MOVED** that the amendments on SJ page 879 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1108: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 877 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## REQUEST

**SEN. EVERY REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1108, which request was granted.

## ROLL CALL

The question being the motion to adopt the amendments to HB 1108, the roll was called and there were 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Tallackson; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Andrist; Seymour

The motion to adopt the amendments to HB 1108 passed.

HB 1108, as amended, was placed on the Fourteenth order for second reading.

#### SECOND READING OF SENATE BILL

**SB 2411:** A BILL for an Act to amend and reenact subsection 5 of section 40-38-11 of the North Dakota Century Code, relating to property tax levies by joint public library services by cities and counties; and to provide an effective date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

SB 2411 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1314:** A BILL for an Act to create and enact three new sections to chapter 49-02 and two new subsections to section 57-38-01.8 of the North Dakota Century Code, relating to a renewable electricity and recycled energy credit trading and tracking system by the public service commission and a tax credit for a wind energy device; and to provide an effective date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1314, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1347:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the payment of wages by stored value card.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1347, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

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

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

**NAYS:** Krauter; Krebsbach

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1359, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1410:** A BILL for an Act to amend and reenact sections 23-07.5-01, 23-07.5-02, 23-07.5-04, 23-07.5-06, and 23-07.5-07, paragraph 1 of subdivision b of subsection 10 of section 65-01-02, and sections 65-01-15 and 65-01-15.1 of the North Dakota Century Code, relating to testing for exposure to bloodborne pathogens; and to repeal chapter 23-07.3 of the North Dakota Century Code, relating to notification of exposure to infectious diseases.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1410, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1051:** A BILL for an Act to create and enact a new section to chapter 12.1-11 and a new section to chapter 19-04 of the North Dakota Century Code, relating to fraudulent practices in urine testing; to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to conditions of probation; and to provide a penalty.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1051 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1161:** A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to citations for unlicensed provision of private investigative services or unlicensed private security services; to amend and reenact sections 43-30-10 and 43-30-12 of the North Dakota Century Code, relating to disciplinary measures for persons engaged in private investigative service or private security service; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Lyson

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1161 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1165 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1186:** A BILL for an Act to amend and reenact section 37-17.1-10 of the North Dakota Century Code, relating to violation of a local burning ban; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Freborg; Lee, G.; Mutch; O'Connell; Stenehjem

**ABSENT AND NOT VOTING:** Andrist; Seymour

HB 1186 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1224:** A BILL for an Act to amend and reenact section 39-08-01.3 of the North Dakota Century Code, relating to ignition interlock devices.

#### 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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Every; Fairfield; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Krauter; Krebsbach; Lindaas; Mathern; Nelson; Nething; O'Connell; Robinson; Syverson; Thane; Tollefson; Warner

**NAYS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Hacker; Holmberg; Klein; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Tallackson; Taylor; Traynor; Trenbeath; Triplett; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1224 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1225:** A BILL for an Act to amend and reenact subsection 3 of section 39-06-03 of the North Dakota Century Code, relating to individuals to whom motor vehicle operator's licenses may not be issued.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; Lyson; Mutch; Trenbeath

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1225 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to create and enact chapter 53-12.1 of the North Dakota Century Code, relating to a lottery; to amend and reenact subsection 5 of section 28-32-08.1, section 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23 of the North Dakota Century Code, relating to economic impact statements, the compulsive gambling prevention and treatment fund, child support setoff, annual audits, compliance with tax reporting requirements, and sales tax exemptions; to repeal chapter 53-12 of the North Dakota Century Code, relating to a lottery; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.

#### REQUEST

**SEN. KRAUTER REQUESTED** that the Senate divide Reengrossed HB 1259, as amended, which request was granted.

**DIVISION A:** All of Reengrossed HB 1259, as amended, with the exception of lines 21 through 27 on page 3 of the bill.

**DIVISION B:** Lines 21 through 27 on page 3 of Reengrossed HB 1259, as amended.

The question being on the final adoption of Division A of Reengrossed HB 1259, as amended, the motion passed on a verification vote.

The question being on the final adoption of Division B of Reengrossed HB 1259, as amended, the motion passed on a verification vote.

Therefore, Reengrossed HB 1259, as amended, consists of Divisions A and B.

#### ROLL CALL

The question being final passage of Reengrossed HB 1259, as amended, which consists of Divisions A and B, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Brown; Christmann; Cook; Dever; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Lyson; Mathern; Mutch; Nelson; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Bowman; Erbele; Every; Fairfield; Lee, G.; Lindaas; Nething; O'Connell

**ABSENT AND NOT VOTING:** Andrist; Seymour

Reengrossed HB 1259, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1458:** A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to transportation funding; to amend and reenact sections 39-04-19 and 57-43.1-02 of the North Dakota Century Code, relating to motor vehicle registration fees and motor vehicles fuels tax; to repeal section 7 of chapter 12 of the 2003 Session Laws, relating to registration fee allocation; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Reengrossed HB 1458 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1404:** A BILL for an Act to amend and reenact subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to oil and gas gross production tax allocations to the oil and gas impact grant fund; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein;

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

**ABSENT AND NOT VOTING:** Andrist; Seymour

Engrossed HB 1404 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3007:** A concurrent resolution declaring Monday, February 14, 2005, "North Dakota Close-Up Day".

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

HCR 3007 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3014:** A concurrent resolution directing the Legislative Council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections.

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

HCR 3014 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3023:** A concurrent resolution urging the Base Realignment and Closure Commission, the Secretary of Defense, and the President of the United States to support the continued maintenance of the military bases in North Dakota.

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

HCR 3023 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3029:** A concurrent resolution expressing the Legislative Assembly's support for continued construction of the Northwest Area Water Supply Project.

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

HCR 3029 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Senate Rule 329-4 be further amended to read "fifty-first" in place of "fiftieth", thereby extending the deadline for referring measures to the **Appropriations Committee**, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2411.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2076, SB 2094, SB 2167, SB 2194, SB 2220, SB 2231, SB 2293, and SB 2338.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1116, HB 1140, HB 1141, HB 1169, HB 1185, HB 1271, HB 1501, HCR 3011, HCR 3028, HCR 3034, HCR 3038, HCR 3039, HCR 3040.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1051, HB 1161, HB 1165, HB 1186, HB 1225, HB 1404, HCR 3007, HCR 3014, HCR 3023, HCR 3029.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause failed, unchanged: HB 1383.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1344, HCR 3002.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1314, HB 1347, HB 1359, HB 1410.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1259.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1224, HB 1458.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1038, HB 1236, HB 1330, HB 1467, HCR 3008.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1074, HB 1092, HB 1188, HB 1190, HB 1191, HB 1200, HB 1205, HB 1275, HB 1286, and HB 1402 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1074:** Reps. Skarphol; Svedjan; Glassheim  
**HB 1092:** Reps. Klemin; Horter; Sandvig  
**HB 1188:** Reps. Dietrich; Clark; Thorpe  
**HB 1190:** Reps. Kreidt; Devlin; Potter  
**HB 1191:** Reps. Kreidt; Devlin; Potter  
**HB 1200:** Reps. Pietsch; Weisz; Sandvig  
**HB 1205:** Reps. Koppelman; Galvin; Zaiser  
**HB 1275:** Reps. Skarphol; Monson; Glassheim  
**HB 1286:** Reps. Boehning; Charging; Onstad  
**HB 1402:** Reps. Drovdal; Norland; Solberg

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2058, SB 2138, SB 2236, SB 2244, SB 2311, SB 2346.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SCR 4034, SCR 4037.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2288.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2006, SB 2008, SB 2087, SB 2195, SB 2216, SB 2266, SB 2297, SB 2378.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006**

Page 1, line 18, replace "36,627" with "35,878"

Page 1, line 21, replace "\$3,374,535" with "\$3,375,284"

Page 1, line 22, replace "(3,402,222)" with "(3,402,971)"

Page 2, line 6, replace "711,051" with "710,302"



Page 2, line 10, replace "5,785,257" with "5,784,508"

Page 2, line 11, replace "5,235,070" with "5,234,321"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2006 - Aeronautics Commission - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$713,895	\$711,051	(\$749)	\$710,302
Operating expenses	1,892,706	1,892,706		1,892,706
Capital assets	134,000	134,000		134,000
Grants	<u>3,047,500</u>	<u>3,047,500</u>		<u>3,047,500</u>
Total all funds	\$5,788,101	\$5,785,257	(\$749)	\$5,784,508
Less estimated income	<u>5,237,914</u>	<u>5,235,070</u>	(749)	<u>5,234,321</u>
General fund	\$550,187	\$550,187	\$0	\$550,187
FTE	6.00	6.00	0.00	6.00

**Dept. 412 - Aeronautics Commission - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$749)	(\$749)
Operating expenses		
Capital assets		
Grants		
Total all funds	(\$749)	(\$749)
Less estimated income	(749)	(749)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008**

Page 1, line 2, after "institutions" insert "; and to provide a contingent appropriation"

Page 1, line 14, replace "402,027" with "398,782"

Page 1, line 18, replace "536,614" with "533,369"

Page 2, line 1, replace "3,386,566" with "3,383,321"

Page 2, line 5, replace "4,193,879" with "4,190,634"

Page 2, after line 5, insert:

**"SECTION 4. CONTINGENT APPROPRIATION.** If Senate Bill No. 2195 is approved by the fifty-ninth legislative assembly, the department of financial institutions is appropriated out of any moneys in the financial institutions regulatory fund in the state treasury, not otherwise appropriated, the amount of \$32,169, or so much of that amount as is necessary, for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2008 - Department of Financial Institutions - House Action**

EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Salaries and wages	\$3,400,480	\$3,386,566	(\$3,245)	\$3,383,321
Operating expenses	779,813	779,813		779,813
Capital assets	7,500	7,500		7,500
Contingency	20,000	20,000		20,000
Contingent appropriation			<u>32,169</u>	<u>32,169</u>
Total all funds	\$4,207,793	\$4,193,879	\$28,924	\$4,222,803
Less estimated income	<u>4,207,793</u>	<u>4,193,879</u>	<u>28,924</u>	<u>4,222,803</u>
General fund	\$0	\$0	\$0	\$0
FTE	26.00	26.00	0.00	26.00

**Dept. 413 - Department of Financial Institutions - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	PROVIDES A CONTINGENT APPROPRIATION FOR EMPLOYEE TRAVEL REIMBURSEMENT INCREASES	TOTAL HOUSE CHANGES
Salaries and wages	(\$3,245)		(\$3,245)
Operating expenses			
Capital assets			
Contingency			
Contingent appropriation		<u>\$32,169</u>	<u>32,169</u>
Total all funds	(\$3,245)	\$32,169	\$28,924
Less estimated income	<u>(3,245)</u>	<u>32,169</u>	<u>28,924</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

This amendment also provides a contingent appropriation to the Department of Financial Institutions in the amount of \$32,169 from the financial institutions regulatory fund for the increase in travel expense reimbursement for state employees provided in Engrossed Senate Bill No. 2195.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2087**

Page 2, line 7, overstrike "promulgate rules and regulations"

Page 2, line 8, overstrike "regarding" and insert immediately thereafter "determine"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2195**

Page 1, line 17, overstrike "forty-five" and insert immediately thereafter "fifty"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216**

Page 1, line 5, after the sixth comma insert "and" and remove ", and 49-21-24"

Page 1, line 19, remove the overstrike over "~~49-21-24~~,"

Page 12, line 13, after the first comma insert "and" and remove ", and 49-21-24"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2266**

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, remove ", and section 43-17.2-08"

Page 2, line 1, remove the overstrike over "~~up to~~", after the first "~~five~~" insert "ten", remove the overstrike over "~~recipients in~~", after the second "~~five~~" insert "ten", and remove the overstrike over "~~communities~~"

Page 2, line 2, remove "any number of recipients and communities"

Page 2, line 3, after "program" insert ", subject to the availability of funding for this purpose"

Page 2, line 26, remove the overstrike over "~~four~~" and remove "three"

Page 2, remove lines 28 through 31

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2297**

In lieu of the amendments adopted by the House as printed on page 876 of the House Journal, Senate Bill No. 2297 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "committee" insert "; to provide a continuing appropriation; and to provide an expiration date"

Page 1, line 8, after "**Functions**" insert "- Continuing appropriation"

Page 1, after line 15, insert:

"c. Accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the committee for the purpose of furthering the objectives of the committee."

Page 2, line 13, after "**Functions**" insert "- Continuing appropriation"

Page 2, line 14, replace "generate its own" with "may accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the regional or tribal committee for the purpose of furthering the objectives of the committee"

Page 2, line 15, remove "funding sources"

Page 3, after line 11, insert:

**"SECTION 5. EXPIRATION DATE.** This Act is effective through June 30, 2007, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2378**

Page 6, remove lines 18 through 22

Page 6, after line 23, insert:

"Garnishee or"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2179.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2179**

Page 1, line 8, overstrike "A majority of the" and insert immediately thereafter "The percentage of"

Page 1, line 9, overstrike the third comma and insert immediately thereafter "which"

Page 1, line 10, after "state" insert "must be at least ten percent in the second year of licensure, twenty percent in the third year of licensure, thirty percent in the fourth year of licensure, forty percent in the fifth year of licensure, and fifty-one percent in the sixth and subsequent years of licensure"

Page 1, line 11, overstrike "majority"

Page 1, line 15, overstrike "majority"

Page 1, line 22, overstrike "Before a domestic winery sells any wine, the licensee must register with the state"

Page 1, overstrike line 23

Page 1, line 24, overstrike "produced."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2048, SB 2259, SB 2360.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2164.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1044, HB 1057, HB 1103, HB 1106, HB 1149, HB 1159, HB 1176, HB 1179, HB 1194, HB 1197, HB 1213, HB 1221, HB 1229, HB 1232, HB 1240, HB 1268, HB 1278, HB 1327, HB 1336, HB 1364, HB 1427, HB 1429, HB 1430, HB 1432, HB 1448, HB 1506, HCR 3010.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2024, SB 2033, SB 2099, SB 2112, SB 2159, SB 2170, SB 2183, SB 2191, SB 2202, SB 2211, SB 2219, SB 2273, SB 2345, SB 2410.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1055, HB 1073, HB 1175, HB 1254, HB 1265, HB 1283, HB 1360, HB 1482, HCR 3013, HCR 3025, HCR 3026, HCR 3027.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 21, 2005, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1076, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1076 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 and a new section to chapter 15.1-18 of the North Dakota Century Code, relating to approval of teachers by the education standards and practices board; and to amend and reenact sections 15.1-06-06, 15.1-13-13, 15.1-18-02, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10, and 15.1-18.1-02 of the North Dakota Century Code, relating to teaching licenses and the approval of teachers by the education standards and practices board.

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

**SECTION 1. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the superintendent of public instruction. Except as otherwise provided by law, the superintendent may not approve a school unless:

1. Each classroom teacher ~~holds a valid teaching certificate issued~~ is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 2;
3. The students are offered all subjects required by law; and

- 3- 4. The school is in compliance with all local and state health, fire, and safety laws.

**SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Licensure to teach - Course area or field - Request for exception - Report.

1. If the board of a school district or of a nonpublic school is unable to fill a particular position by recruiting or assigning an individual who is licensed to teach in that particular course area or field, the school board may fill the position with an individual who is not licensed to teach in that particular course area or field, provided the individual:
  - a. Is licensed to teach by the education standards and practices board or is approved to teach by the education standards and practices board;
  - b. Holds at least a minor or a minor equivalency in the course area or field in which the individual seeks to teach; and
  - c. Has received a temporary exception under this section.
2. The education standards and practices board shall adopt rules governing the issuance of temporary exceptions under this section. Except for a case of sudden and unexpected vacancy occurring during the school calendar, the rules must require consideration of a school board's efforts to fill a particular position and the school board's efforts to explore alternative methods of education delivery to the students. The rules must also require that the individual submit a plan for a course of study which will enable the individual to obtain a major or a major equivalency in the course area or field in which the individual seeks to teach.
3. An exception granted under this section is valid only through the conclusion of the school year in which the request for exception is submitted to the education standards and practices board. The board may extend the exception by one-year increments, provided the individual demonstrates successful completion of a least one-third of the total course of study prior to each requested extension.
4. At the conclusion of each school year, the education standards and practices board shall file a report with the legislative council. The report must cite all requests for exceptions under this section received by the board during the school year and must include the board's response to each request and a brief description of the board's rationale.

**SECTION 3. AMENDMENT.** Section 15.1-13-13 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.** The board may issue a provisional teaching license to an applicant ~~awaiting,~~ pending completion of the background check required by section 15.1-13-14 ~~or pending~~ the receipt of official transcripts or other original, signed, or certified documents. The provisional license is valid for a period of forty days and may be renewed with the approval of the board. The board may adopt rules governing the issuance of a provisional teaching license. An individual applying for a provisional teaching license may be charged a fee established by the board. However, an individual applying for the renewal of a provisional teaching license may not be charged a fee.

**SECTION 4. AMENDMENT.** Section 15.1-18-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-02. (Effective through June 30, 2006) Kindergarten through grade eight - Teacher qualifications - Exceptions.**

1. In order to teach kindergarten, an individual must:
  - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a kindergarten endorsement; or

- b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain a kindergarten endorsement within two years from the date of the assignment to teach kindergarten.
2. In order to teach any grade from one through eight, an individual must:
  - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a major, a minor, or an endorsement in elementary education; or
  - b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in elementary education within two years from the date of the assignment to teach any grade from one through eight.
3. Notwithstanding subsection 2, an individual may teach any grade from five through eight if the individual:
  - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or an endorsement in middle school education; or
  - b. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrates to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in middle school education within two years from the date of assignment to teach any grade from five through eight.
4. Notwithstanding subsection 2, an individual may teach grade seven or eight if the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or a minor in the assigned course area or field.
5. Notwithstanding subsection 2, an individual may teach special education, foreign language, art, music, physical education, business education, and computer education at any grade level from kindergarten through eight, provided the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and meets the requirements imposed by the superintendent of public instruction.
6. An individual may obtain an endorsement by completing teaching requirements and the minimum number of credit hours in courses prescribed by the education standards and practices board.
7. This section does not apply to an eminence-credentialed teacher.

**(Effective after June 30, 2006) Prekindergarten and kindergarten teacher qualifications - Exceptions.** In order to teach prekindergarten and kindergarten, an individual must be licensed:

1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
- ~~4.~~ 2. a. Have a major in elementary education and a kindergarten endorsement;
- ~~2.~~ b. Have a major equivalency in elementary education and a kindergarten endorsement;
- ~~3.~~ c. Have a major in elementary education and an early childhood education endorsement;

- 4- d. Have a major equivalency in elementary education and an early childhood education endorsement;
- 5- e. Have a major in early childhood education; or
- 6- f. Have a major equivalency in early childhood education.

**SECTION 5. AMENDMENT.** Section 15.1-18-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-07. (Effective after June 30, 2006) Elementary school teacher qualifications.**

1. In order to teach any grade in an elementary school that offers grades one through six or in order to teach any grade in an elementary school that offers grades one through eight, an individual must be ~~licensed~~:
  - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
    - a- b. (1) Have a major in elementary education; or
    - b- (2) Have a major equivalency in elementary education.
2. Notwithstanding the provisions of subsection 1, an individual may teach any grade from one through three in an elementary school provided the individual is ~~licensed~~:
  - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
    - a- b. (1) Has a major in early childhood education; or
    - b- (2) Has a major equivalency in early childhood education.

**SECTION 6. AMENDMENT.** Section 15.1-18-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-08. (Effective after June 30, 2006) Middle school teacher qualifications.**

1. In order to teach any grade from five through eight in a middle school, an individual must be ~~licensed~~:
  - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
    - 4- b. (1) Have a major in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
    - 2- (2) Have a major equivalency in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
    - 3- (3) Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.
2. Notwithstanding the provisions of subsection 1, an individual may teach grade five or six in a middle school, provided the individual is:

- a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and
- b. (1) Has a major in elementary education; or  
(2) Has a major equivalency in elementary education.

**SECTION 7. AMENDMENT.** Section 15.1-18-09 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-09. (Effective after June 30, 2006) High school qualifications.** In order to teach grades seven through twelve, an individual must be ~~licensed~~:

- 1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
- 4- 2. a. Have a major in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
- 2- b. Have a major equivalency in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
- 3- c. Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.

**SECTION 8. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-10. (Effective after June 30, 2006) Specialty areas - Teacher qualification.** Notwithstanding the requirements of this chapter:

- 1. An individual may teach art, business education, computer education, a foreign language, music, physical education, ~~and~~ special education, and technology education at any grade level from ~~one~~ kindergarten through grade eight, provided the individual:
  - a. Is licensed to teach by the education standards and practices board;
  - b. Is approved to teach in that area by the education standards and practices board; and
  - c. Meets all requirements set forth in rule by the superintendent of public instruction.
- 2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
- 3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.

**SECTION 9.** A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Rural school districts - Federal flexibility. The education standards and practices board may extend the effective dates for any provision in chapter 15.1-18 if the United States secretary of education by rule, policy, or guidance authorizes such extension.

**SECTION 10. AMENDMENT.** Section 15.1-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18.1-02. National board certification program - Recertification - Board duties.**

- 1. The board shall:



- 4- a. Inform teachers of the national board certification program and the scholarships and services the national board provides to teachers seeking certification.
- 2- b. Collect and review in the order received scholarship applications from individuals who are licensed to teach by the board or approved to teach by the board.
- ~~3-a.~~ c. (1) Approve no more than seventeen applications per year under this subsection;
- b. (2) During each year of the biennium, reserve three of the available scholarships under this subsection for individuals teaching at low-performing schools;
- e. ~~During each year of the biennium, award no more than two of the remaining fourteen available scholarships to applicants employed by the same school district;~~
- e. (3) Require the recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
- e. (4) Require the recipient for a scholarship under this subsection to participate in mentoring programs ~~and teacher evaluation programs~~ developed and implemented in the employing school or school district.
- 4- d. Ensure that all scholarship recipients under this subsection receive adequate information regarding the level of commitment required to acquire certification.
2. The board shall collect and review in the order received scholarship applications for national board recertification from individuals who are licensed to teach by the board or approved to teach by the board and:
- a. Approve no more than two scholarship applications per year under this subsection;
- b. Require each recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
- c. Require each recipient for a scholarship under this subsection to participate in mentoring programs developed and implemented in the employing school or school district.
- 5- 3. If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship.
4. At the conclusion of each of the first four school years after an individual receives national board certification, the individual is entitled to receive an additional one thousand five hundred dollars if:
- a. The individual served during the school year as a full-time classroom teacher in a public or nonpublic school; and
- b. The individual participated in any efforts of the employing school district to develop and implement teacher mentoring programs."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1239, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1239 was placed on the Sixth order on the calendar.

Page 1, line 8, after "20.1-02-05" insert "and as otherwise provided in this section" and after the second comma insert "other than the landowner."

Page 1, line 15, after the period insert "A person may not use a motor-driven vehicle on any land other than an established road or trail to hunt upland game during the deer gun season."

Page 1, line 19, after the comma insert "other than the landowner."

Page 1, line 23, after the period insert "The provisions of this section relating to hunting big game or small game while using a motor-driven vehicle on any land other than an established road or trail without the written permission of the landowner or a lessee who actually farms or ranches that land do not apply to the hunting of big game during an open and lawful season for small game."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1262: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1262 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1333: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-05-11 of the North Dakota Century Code, relating to confidentiality of information relating to assessment of railroad property."

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

**SECTION 1. AMENDMENT.** Section 57-05-11 of the North Dakota Century Code is amended and reenacted as follows:

**57-05-11. Information deemed confidential.** It is unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge or to make known in any manner the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures, or any particulars set forth or disclosed in any report, or to permit any report or copy or any book containing any abstract of particulars to be seen or examined by any person except as provided by law. Notwithstanding the provisions of this section, hearings held by the state board of equalization under chapter 57-05 or 57-13 must be open to the public under section 44-04-19. The commissioner may authorize examination of such reports by other state officers, and may furnish to the tax officials of another state, the multistate tax commission, or the United States any information contained in the reports and related schedules and documents filed under this chapter, and in the report of an audit or investigation made with respect to an audit, provided that that information be furnished solely for tax purposes. The multistate tax commission may make that information available to the tax officials of any other state and the United States for tax purposes. This section applies only to a class II and class III railroad as defined by the surface transportation board in 49 Code of Federal Regulations, part 1201."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1354, as reengrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1354 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1368: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1368 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1376: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 1, line 2, after "cards" insert "; and to declare an emergency"

Page 2, line 12, remove ""enrollment", "

Page 2, line 13, after "terms" insert "in a manner"

Page 2, line 15, remove "Have restrictions on free access to plan providers, including waiting periods and"

Page 2, remove line 16

Page 2, line 17, remove "4." and after "services" insert ", unless the organization is an authorized third-party administrator"

Page 2, line 20, remove "the first page of"

Page 2, after line 31, insert:

"2. Any advertisements, marketing materials, or brochures relating to a discount medical plan which are transmitted to the public through the internet or television must state that the plan is not an insurance policy and that the plan provides discounts at certain health care providers for medical services."

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

Page 3, line 21, replace "monthly" with "quarterly"

Page 4, line 9, replace "and must be responsible and financially liable for any" with a period

Page 4, remove lines 10 and 11

Page 4, line 13, replace "A" with "If a" and replace "may not solicit, market, or sell" with "solicits, markets, or sells"

Page 4, line 14, after "product" insert ", the marketer or organization shall disclose clearly and conspicuously that the plan is not insurance"

Page 4, line 17, replace "purchase" with "the member receiving written notice of cancellation rights"

Page 4, line 18, after "member" insert ", except for a nominal fee associated with the enrollment cost up to a maximum of fifty dollars"

Page 4, line 22, after "The" insert "discount" and remove "discount"

Page 4, line 23, after "ten" insert "business"

Page 4, line 24, replace ", printed in not less" with "and must include instructions for the member to cancel the plan. The instructions must be made available to the commissioner upon request."

Page 4, remove lines 25 through 31

Page 5, after line 12, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1398, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1398 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1449, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1449 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1478, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1478, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1484, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1484 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 12-60-16.11 of the North Dakota Century Code, relating to obtaining criminal history record information; and to"

Page 2, after line 4, insert:

**"SECTION 2.** Section 12-60.16.11 of the North Dakota Century Code is created and enacted as follows:

12-60-16.16. Criminal history record information - Required action. Any person offering criminal background checks for compensation, for the purpose of screening applicants seeking a position in which the applicant is responsible for providing care for a vulnerable adult, shall utilize the bureau of criminal investigation statewide criminal history database in addition to any other compiled information. The entity shall pay any applicable fees set forth in section 12-60-16.9."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

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

Page 1, line 7, overstrike "A" and insert immediately thereafter "Except as provided in section 62.1-02-12, a"

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1509, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1509 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "internet", after the first semicolon insert "to amend and reenact section 50-06-22 of the North Dakota Century Code, relating to the compulsive gambling prevention and treatment fund;", and after the second semicolon insert "to provide a continuing appropriation;"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 50-06-22 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-22. Compulsive gambling prevention and treatment fund - Continuing appropriation.** Funds deposited in the compulsive gambling prevention

and treatment fund under section 53-12-21 and section 2 of this Act are appropriated to the department on a continuing basis for the purpose of providing the services under section 50-06-21."

Page 1, underscore line 7

Page 1, line 8, underscore "1. "Adjusted gross proceeds" means any sums wagered", replace "in" with "by", and underscore "an internet live poker" and insert immediately thereafter "player"

Page 1, line 9, remove "hand" and underscore "which may be retained by the licensed internet live poker establishment as"

Page 1, underscore lines 10 through 23

Page 1, line 24, underscore "regulation, and operation of internet live poker in the state." and insert immediately thereafter "The rules must include provisions concerning the financial responsibility of persons licensed under this chapter, the conduct of internet live poker, recordkeeping, the establishment and maintenance of internal controls, security of the internet poker site, and the deposit and payment of moneys received and disbursed by the licensee."

Page 2, line 1, underscore "**Internet live poker sites**" and insert immediately thereafter "License - User fee" and underscore "**- Tax.**"

Page 2, underscore lines 2 and 3

Page 2, line 4, underscore "sites in the state. The program must include a" and insert immediately thereafter "nonrefundable license application fee of fifty thousand dollars and, upon meeting the requirements for licensure, an annual", underscore "license fee" and insert immediately thereafter "of twenty-five thousand dollars", and underscore "for each person that"

Page 2, line 5, underscore "operates an internet live poker site", replace "and" with ". The license may be renewed annually upon compliance with this chapter and rules adopted by the attorney general and payment of a twenty-five thousand dollar license renewal fee. The licensee shall pay to the attorney general", underscore "an annual", replace "licensing" with "user", and underscore "fee of ten dollars for"

Page 2, line 6, underscore "each player who plays internet live poker at a site. A single annual", replace "licensing" with "user", and underscore "fee"

Page 2, underscore lines 7 through 16

Page 2, line 17, underscore "3. The licensed internet live poker establishment shall remit the tax" and insert immediately thereafter "and player user fees" and underscore "to the attorney"

Page 2, underscore line 18

Page 2, line 19, underscore "fees," and insert immediately thereafter "player user fees." and underscore "and any other moneys collected under this chapter to the state treasurer for"

Page 2, underscore line 20

Page 2, after line 20, insert:

"Internet live poker surcharge - Attorney general legal defense fund established - Continuing appropriation. A five percent surcharge is imposed on the adjusted gross proceeds of each establishment authorized to conduct internet live poker under this chapter. The licensed internet live poker establishment shall remit the surcharge to the attorney general on a quarterly basis. The attorney general shall remit the surcharge to the state treasurer for deposit in the attorney general legal defense fund. The moneys in the fund are appropriated on a continuing basis to the attorney general for the purpose of funding legal services to defend legal challenges to the internet live poker established under this chapter. The surcharge imposed under this section must be suspended upon notification of the state treasurer to the attorney general that the balance in the attorney general legal defense fund has exceeded two million dollars.

The attorney general may reinstate the surcharge if the balance in the fund is less than two million dollars."

Page 2, line 21, underscore "**Internet live poker proceeds fund**" and insert immediately thereafter "- Continuing appropriation" and underscore ". There is created in the state treasury an internet"

Page 2, underscore line 22

Page 2, line 23, underscore "any other moneys collected under this chapter.", replace "Annually, all" with "The attorney general shall transfer twenty-five thousand dollars per quarter from the internet live poker proceeds fund to the state treasurer for deposit in the compulsive gambling prevention and treatment fund under section 50-06-22. The total amount transferred under this section to the compulsive gambling prevention and treatment fund may not exceed two million dollars. All remaining", and underscore "moneys in the fund must be"

Page 2, line 24, underscore "allocated" and insert immediately thereafter "by the state treasurer and are provided as a standing and continuing appropriation" and underscore "for:"

Page 2, line 25, underscore "1. Annual transfer to the counties for direct property tax relief." and insert immediately thereafter "The percentage of each allocation under this subsection to each county must be equal to the percentage that property taxes levied by that county is of all county property taxes levied in the state." and underscore "The amount allocated"

Page 2, underscore lines 26 through 31

Page 3, line 1, underscore "2. Annual transfers to" and replace "the common schools trust fund to become a part of the" with "school districts for direct property tax relief. The percentage of each allocation under this subsection to each school district must be equal to the percentage that property taxes levied by that school district is of all school district property taxes levied in this state. The amount allocated to a school district under this subsection must be subtracted from the school district's base year tax levy under section 57-15-01.1 for the purpose of determining the school district's maximum levy under section 57-15-01.1 and subtracted from the maximum levy in dollars that would be produced by the maximum levy in mills under section 57-15-14."

Page 3, line 2, remove "principal of that fund." and underscore "Transfers under this subsection must equal twenty percent"

Page 3, underscore lines 3 through 6

Page 3, after line 6, insert:

"Authority of attorney general. The attorney general may:

1. Inspect all sites or premises in which internet live poker is conducted.
2. Inspect all internet live poker equipment or other items on a site or premises used to conduct or, to assist in the conducting of, internet live poker.
3. Seize and remove from a site or premises and impound any equipment, supplies, or books and records for the purpose of examination and inspection.
4. Demand access to and inspect, examine, photocopy, and audit all books and records, stored data, software, and other data compilation in any form of applicants or licensees concerning compliance with this chapter or rules adopted by the attorney general. The attorney general may require a licensee to reimburse the attorney general for the reasonable actual cost of expenses incurred in conducting the inspection or audit.
5. Based on reasonable grounds or written complaint, suspend, deny, or revoke an application or license of the applicant or licensee or any officer, director, agent, member, or employee of the applicant or licensee for a violation of this chapter or rule adopted by the attorney general.

6. Impose a monetary fine on a licensee for failure to comply with this chapter or any rule adopted by the attorney general.
7. At any time within three years after any amount of fees, monetary fines, or tax required to be paid under this chapter becomes due, bring a civil action to collect the amount due. An action may be brought regardless of whether the person owing the fees, fines, or tax presently is licensed.
8. Institute an action in any district court for declaratory or injunctive relief against a person, regardless of whether the person is an internet live poker licensee, as the attorney general considers necessary to prevent noncompliance with this chapter or the rules adopted by the attorney general.
9. Require the applicant or licensee to provide information and records in the form and manner determined by the attorney general to determine qualification for issuance of a license or to determine compliance with this chapter and the rules adopted by the attorney general.

Location of licensee site, premises, records, and equipment. The internet live poker licensee shall establish and maintain a physical site premises within the state only and may not conduct internet live poker at sites or premises outside this state. The licensee shall maintain within this state, in accordance with this chapter and rules adopted by the attorney general, all servers, records, books, stored data, software, hardware, compiled data, and any other equipment or items used to conduct internet live poker.

Qualifications of licensee. In addition to the qualifications required by this chapter and to any rules adopted by the attorney general, to be licensed under this chapter, a person must:

1. If an individual, be at least eighteen years of age;
2. Be of good character and reputation;
3. Have sufficient financial resources to support the activities required to conduct internet live poker under this chapter;
4. Be current in the payment of all taxes, interest, and penalties owed to the state, excluding items under formal dispute or appeal pursuant to applicable statutes; and
5. If an organization, be authorized to conduct business in this state.

Persons not qualified to be a licensee. A person may not be licensed by the attorney general to conduct internet live poker under this chapter if the person:

1. Is an individual, an organization or any of the organization's officers or directors, or the employees or agents of an individual or an organization involved in the conduct of internet live poker in this state who had pled or been found guilty or pled nolo contendere in this state or any other jurisdiction to a criminal offense classified as a felony or an offense authorizing the imposition of more than one year imprisonment, unless at least ten years have passed since satisfactory completion of the sentence or probation imposed by the court for each offense;
2. Has been found to have violated any provision of this chapter or any rule adopted by the attorney general;
3. Has been found to have a background, including a criminal record, or prior activities that pose a threat to the public interest of the state or to the security and integrity of the conduct of internet live poker; create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of internet live poker; or present questionable business practices and financial arrangements incidental to conduct activities authorized by this chapter; or
4. Has knowingly made a false statement of material fact to the attorney general.

Persons prohibited from playing internet live poker.

1. An individual under the age of eighteen years may not play internet live poker at a site licensed under this chapter. An internet live poker licensee may not permit an individual under the age of eighteen years to play internet live poker and shall adopt internal controls and procedures approved by the attorney general to block access to the site or to prohibit play by those individuals.
2. A licensee or the licensee's officers, directors, partners, employees, or the licensee's authorized agents may not play internet live poker at any site licensed under this chapter."

Page 3, underscore lines 7 through 31

Page 4, underscore lines 1 through 13

Page 4, line 14, underscore "implement this chapter" and remove "or who plays without first obtaining a license from the"

Page 4, line 15, remove "attorney general in that individual's name" and underscore "is guilty of a class B misdemeanor."

Page 4, line 16, underscore "**Internet live poker records - Confidential.**" and replace "All records and information with respect to" with:

- "1. The following information and records are confidential:
  - a. Sales and income tax information, financial statements, and credit reports of applicants and licensees; criminal and background check information of the applicant, licensee, and other persons obtained by the attorney general in the application process; and application information other than an applicant's name and address;
  - b. Internal control and security procedures and information on bids or contractual data, the disclosure of which is harmful to the efforts of the attorney general to contract for goods and services on favorable terms; and
  - c. Personal information regarding and the identity of an internet live poker player.
2. Information related to a person that owes a debt to the state or that has a debt collected through a state agency which is made confidential by another state law or rule remains confidential under this section.
3. The information made confidential under this section may be disclosed within the attorney general's office or to authorized persons in the proper administration of this chapter or rules adopted by the attorney general or in accordance with a judicial order.

**SECTION 3. ATTORNEY GENERAL INTERNET LIVE POKER IMPLEMENTATION AND OPERATING FUND - CONTINUING APPROPRIATION.**

There is established an attorney general internet live poker implementation and operating fund of one million dollars which consists of gifts, grants, and other funds obtained from nongovernmental sources. The moneys deposited in the fund are appropriated on a continuing basis to the attorney general for the purpose of paying the costs and expenses associated with the implementation, administration, and enforcement of this chapter incurred until June 30, 2007. Expenditures may not be made from the fund until the effective date of this Act and until the sum of one million dollars has been deposited in the fund."

Page 4, remove lines 17 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3048, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS**



(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3048 was placed on the Sixth order on the calendar.

Page 1, line 20, after "dollars" insert "increased annually by a factor of three percent"

Page 1, line 21, replace "twenty million dollars" with "that amount"

Page 1, line 23, overstrike "state general" and insert immediately thereafter "common schools trust"

Renumber accordingly

#### **FIRST READING OF HOUSE BILLS**

**HB 1525:** A BILL for an Act to amend and reenact sections 40-62-01 and 40-62-03 and subsection 1 of section 40-62-05 of the North Dakota Century Code, relating to city pedestrian mall improvements.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1528:** A BILL for an Act to provide for inspection and repair recommendations for the veterans' memorial on the capitol grounds.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**William R. Horton, Secretary**

