

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, February 5, 2009

The House convened at 12:30 p.m., with Speaker Monson presiding.

The prayer was offered by Pastor Stephen Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1044, HB 1088, HB 1090, HB 1110, HB 1145, HB 1186, HB 1207, HB 1215, HB 1253, and HB 1336.

HB 1090, as amended, was rereferred to the **Appropriations Committee**.

HB 1044, HB 1088, HB 1110, HB 1145, HB 1186, HB 1207, HB 1215, HB 1253, and HB 1336, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. R. KELSCH MOVED** that HB 1450 be returned to the House floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. MYXTER REQUESTED** the unanimous consent of the House to withdraw HB 1450. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILL

**HB 1233:** A BILL for an Act to amend and reenact section 39-03-18 of the North Dakota Century Code, relating to the highway patrol asset forfeiture fund.

## 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

HB 1233 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act to amend and reenact section 16.1-11.1-01 of the North Dakota Century Code, relating to polling places for elections held by mail ballot.

## 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

HB 1343 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1380:** A BILL for an Act to create and enact a new section to chapter 38-11.1 of the North Dakota Century Code, relating to compensation for loss of agricultural production and income caused by oil and gas production; and to amend and reenact sections 38-11.1-04 and 38-11.1-09 of the North Dakota Century Code, relating to damage and disruption payments for damages caused by oil and gas production.

## 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 41 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hawken; Holman; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Potter; Rust; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Nathe; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

HB 1380 lost.

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## SECOND READING OF HOUSE BILL

**HB 1548:** A BILL for an Act to provide an appropriation to the department of commerce for grants relating to the development or installation of commercial hydrogen fueling stations.

## 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 30 YEAS, 64 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hawken; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pinkerton; Porter; Schmidt; Thorpe; Vig; Winrich; Speaker Monson

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nottestad; Pietsch; Pollert; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

HB 1548 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1555:** A BILL for an Act to amend and reenact section 54-27-19.1 of the North Dakota Century Code, relating to motor vehicle fuels and special fuels tax allocations to the township highway aid 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 NOT PASS, the roll was called and there were 11 YEAS, 83 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Holman; Kaldor; Kerzman; Myxter; Pinkerton; Schmidt; Vig

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

HB 1555 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1032:** A BILL for an Act to amend and reenact subsections 3 and 12 of section 49-22-03 of the North Dakota Century Code, relating to the energy conversion and transmission facility siting definitions.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed HB 1032 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1121:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the old-age and survivor insurance trust fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber;

Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Skarphol

Engrossed HB 1121 passed and the title was agreed to.

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

**HB 1219:** A BILL for an Act to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

#### **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 79 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Delzer; Dosch; Froelich; Froseth; Headland; Kelsch, R.; Kempenich; Meier, L.; Meyer, S.; Nelson; Porter; Schmidt; Thoreson; Weiler; Wrangham

Engrossed HB 1219 passed and the title was agreed to.

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

**HB 1227:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

#### **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, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Headland; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Amerman; Conklin; Conrad; Delzer; Hanson; Hawken; Heller; Holman; Johnson, N.; Kaldor; Koppelman; Kroeber; Metcalf; Mueller; Myxter; Onstad; Pinkerton; Potter; Thorpe; Wall

Engrossed HB 1227 passed and the title was agreed to.

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

**HB 1240:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to guide and outfitter license exemptions.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Froelich; Kempenich; Kerzman

Engrossed HB 1240 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1244:** A BILL for an Act to amend and reenact section 12.1-11-07 of the North Dakota Century Code, relating to defrauding a urine test.

**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 91 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**NAYS:** Schatz; Weisz; Zaiser

Engrossed HB 1244 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1438:** A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to a nonresident commercial driver's license; and to amend and reenact sections 39-06.2-02, 39-06.2-08, and 39-06.2-09 of the North Dakota Century Code, relating to an application for a nonresident commercial driver's license.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Froelich

Engrossed HB 1438 passed and the title was agreed to.

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

**HB 1449:** A BILL for an Act to amend and reenact section 49-02-27 of the North Dakota Century Code, relating to the decommissioning of wind energy conversion 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed HB 1449 passed and the title was agreed to.

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

**HB 1264:** A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 2009.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

HB 1264 passed and the title was agreed to.

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

**HB 1532:** A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota Century Code, relating to recycling infrastructure.

#### **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 33 YEAS, 60 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Glassheim; Griffin; Gruchalla; Hawken; Holman; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski;

Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froeth; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Hunsdor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Ekstrom

HB 1532 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1557:** A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

#### 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 33 YEAS, 61 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boucher; Brandenburg; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Hanson; Holman; Hunsdor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Thorpe; Vig; Weiler; Winrich; Wolf

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froeth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Monson

HB 1557 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1261:** A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for an oil and gas refinery and pipeline; to provide an appropriation for defraying the expenses of an oil and gas refinery and pipeline request for proposal; to provide for a report to the legislative council; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 59 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Holman; Hunsdor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froeth; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

HB 1261 lost.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)****MR. PRESIDENT:** The Speaker has signed: SCR 4011.**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)****MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1216, HB 1272, HB 1280, HB 1296, HB 1298, HB 1303, HB 1307, HB 1364, HB 1387, HB 1401.**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)****MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1237.**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)****MR. SPEAKER:** Your signature is respectfully requested on: SCR 4011.**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)****MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SRM 8501.**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)****MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2139, SB 2208.**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)****MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2054, SB 2095, SB 2227, SB 2291, SB 2321, SB 2347.**MOTION****REP. CARLSON MOVED** that the House reconsider its action whereby Engrossed HB 1219 passed, which motion prevailed on a verification vote.**MOTION****REP. CARLSON MOVED** that Engrossed HB 1219 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Carlson's motion, Engrossed HB 1219 was rereferred.**MOTION****REP. VIGESAA MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 6, 2009, which motion prevailed.**REPORT OF STANDING COMMITTEE****HB 1028: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1028 was placed on the Eleventh order on the calendar.**REPORT OF STANDING COMMITTEE****HB 1037: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 65-02-23 and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 65-02-23 of the North Dakota Century Code is amended and reenacted as follows:**65-02-23. Workforce safety and insurance fraud unit - Continuing appropriation.** The organization shall establish a workforce safety and insurance fraud unit. The organization may employ investigators and licensed attorneys, or contract with a private investigator whenever feasible or cost-effective, to investigate and review any alleged case of fraud against the fund by employers, injured workers, or providers of medical or other services, including activities described under section 65-04-33 or 65-05-33. The unit shall refer cases of fraud to the organization for the imposition of administrative penalties and may refer them to the appropriate authorities for

prosecution. Money in the workforce safety and insurance fund is appropriated on a continuing basis for payment of costs associated with identifying, preventing, and investigating employer or provider fraud. ~~The biennial independent performance evaluation of the organization must evaluate and report on the effectiveness of these expenditures.~~ The organization may establish a process to charge investigative costs against the rate class of an employer being investigated and to credit any recoveries to that rate class."

Page 1, line 18, after "director" insert "or the director's designee"

Page 1, line 19, after "board" insert "or the chairman's designee"

Page 1, line 20, overstrike "legislative audit and fiscal" and insert immediately thereafter "workers' compensation"

Page 1, overstrike line 21

Page 1, line 22, overstrike "session of the legislative session following the performance evaluation" and insert immediately thereafter "the governor"

Page 1, line 23, overstrike "The organization shall"

Page 1, line 24, overstrike "develop and maintain comprehensive, objective performance measurements" and remove ", including a"

Page 2, remove lines 1 through 6

Page 2, line 7, remove "premiums are appropriate and reserve levels are adequate" and overstrike ". These measurements must be"

Page 2, line 8, overstrike "evaluated as part of the independent performance evaluation performed under this section" and insert immediately thereafter "Except as otherwise provided in this section, the workers' compensation review committee may select no more than four elements to be evaluated in the performance evaluation and shall inform the state auditor of the selected items to be evaluated. The state auditor shall include the elements selected by the committee in the performance evaluation, but the state auditor may select additional elements to be evaluated. The total number of elements, including those selected by the workers' compensation review committee, may not exceed eight. In exceptional circumstances, the state auditor may include more than eight elements for evaluation. If more than eight elements are selected, the state auditor shall report to the workers' compensation review committee the additional elements selected and the exceptional circumstances to support the inclusion of the additional elements"

Page 2, line 10, after the period insert "The organization shall develop and maintain comprehensive, objective performance measurements. These measurements may be evaluated as part of the independent performance evaluation under this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1066: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Sixth order on the calendar.

Page 2, line 3, after "means" insert "new or used"

Page 4, line 27, replace "qualified" with "contract" and after the underscored period insert "A taxpayer may not claim a credit under this section for expenses for which the taxpayer claims a credit under section 57-38-30.5."

Page 4, line 29, replace "Twenty-five" with "Twenty", replace "qualified" with "contract", and remove "for conducting"

Page 4, remove line 30

Page 4, line 31, remove "university"

Page 5, line 1, replace "Twenty" with "Twenty-five", replace the first "qualified" with "contract", and replace the second "qualified" with "contract"

Page 5, line 2, replace "in collaboration" with "under contract" and replace "Dakota-based contract" with "Dakota research university"

Page 5, line 3, remove "organization"

Page 5, line 5, replace "organization" means contract organization as defined in section" with "research expenses" means any amount paid or obligation incurred by the taxpayer to any person living or working in North Dakota, other than an employee of the taxpayer or a North Dakota research university, for qualified research."

Page 5, remove line 6

Page 5, line 10, remove the first "expenses" and remove the second "expenses"

Page 5, line 11, replace the first "41(b)" with "41(d)" and replace the second "41(b)" with "41(d)"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1078: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1187: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1187 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1203: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1203 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institution tax credit for charitable gifts;"

Page 1, after line 3, insert:

**"SECTION 1.** A new subsection to section 57-35.3-05 of the North Dakota Century Code is created and enacted as follows:

There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12, the credit for charitable gifts to a qualified endowment as provided in section 57-38-01.21. The amount allowable as a credit under this subsection for any taxable year may not exceed five and seven-tenths percent of the tax before credits allowed under this section, or ten thousand dollars, whichever is less."

Page 1, line 8, remove "Board-designated endowment" means a permanent endowment established"

Page 1, remove lines 9 through 12

Page 1, line 13, remove "b."

Page 1, line 18, remove the overstrike over "b." and remove "c."

Page 3, line 1, remove the overstrike over "e.", remove "d.", and remove "or"

Page 3, line 2, remove "board-designated endowment"

Page 3, line 7, remove the overstrike over "d." and remove "e."

Page 3, line 11, after "2." insert "a."

Page 3, line 12, overstrike "in an amount equal to forty percent of the present value of the"

Page 3, line 13, overstrike "aggregate amount of", remove "a", overstrike "charitable gift", and overstrike "made by the"

Page 3, overstrike line 14

Page 3, line 15, overstrike "endowment." and replace "Only charitable gifts of one thousand dollars or more during the" with "for a charitable gift as follows:"

- (1) For a charitable gift in the form of a planned gift made to a qualified nonprofit organization or to a qualified endowment, the credit is equal to forty percent of the aggregate amount of the charitable gift portion of all planned gifts made during the taxable year.
- (2) For a charitable gift other than a planned gift made to a qualified endowment, the credit is equal to forty percent of the aggregate amount of all charitable gifts made during the taxable year, provided the aggregate amount of all charitable gifts made during the taxable year to a single qualified endowment is two thousand five hundred dollars or more.

b."

Page 3, line 16, remove "taxable year qualify for the tax credit under this subsection."

Page 3, remove line 22

Page 3, line 23, remove "57-35.3-03"

Page 4, line 7, overstrike "treated like a"

Page 4, line 8, overstrike "partnership"

Page 4, line 9, overstrike "by the entity during the taxable year"

Page 4, line 10, overstrike "to the entity" and overstrike "and planned"

Page 4, line 11, overstrike "gifts"

Page 4, line 13, overstrike "attributable to the charitable"

Page 4, line 14, overstrike "gifts and planned gifts under this section"

Page 4, line 21, overstrike the first "in" and insert immediately thereafter "for purposes of"

Page 4, line 22, overstrike "the taxable" and insert immediately thereafter "any tax", overstrike "credit" and insert immediately thereafter "contribution", and overstrike "first claimed" and insert immediately thereafter "deducted for federal tax purposes"

Page 5, line 5, remove "or board-designated endowment"

Page 5, line 6, after "for" insert "contributions made in"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1205: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1205 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "32-03.3" with "32-03.4"

Page 1, line 2, after "settlements" insert "; and to provide a penalty"

Page 1, line 4, replace "32-03.3" with "32-03.4"

Page 1, line 6, replace "**32-03.3-01**" with "**32-03.4-01**"

Page 2, line 12, replace "39-03.3-02" with "32-03.4-02"

Page 2, line 19, replace "30" with "26"

Page 3, line 6, after "court" insert "in this state"

Page 4, line 3, replace "**32-03.3-02**" with "**32-03.4-02**"

Page 4, line 25, replace "**32-03.3-03**" with "**32-03.4-03**"

Page 4, line 26, remove "1."

Page 5, line 1, replace "a." with "1."

Page 5, line 2, after "dependents" insert "and whether the transaction, including the discount rate used to determine the gross advance amount and the fees and expenses used to determine the net advance amount, are fair and reasonable. If the court makes the findings as outlined in this subsection, there is not a requirement for the court to find that an applicant is suffering from a hardship to approve the transfer of structured settlement payments under this subsection"

Page 5, line 3, replace "b." with "2."

Page 5, line 5, after the underscored semicolon insert "and"

Page 5, line 6, replace "c." with "3."

Page 5, line 7, replace "; and" with an underscored period

Page 5, remove lines 8 through 13

Page 5, line 14, replace "**32-03.3-04**" with "**32-03.4-04**"

Page 5, line 17, after "payments" insert "as to all parties except the transferee"

Page 5, line 30, replace "**32-03.3-05**" with "**32-03.4-05**"

Page 6, line 7, replace "39-03.3-03" with "32-03.4-03"

Page 6, line 13, replace "39-03.3-02" with "32-03.4-02"

Page 6, line 23, replace "**32-03.3-06**" with "**32-03.4-06**"

Page 6, line 25, replace "**32-03.3-07**" with "**32-03.4-07**"

Page 7, line 1, replace "**32-03.3-08**" with "**32-03.4-08**"

Page 7, line 8, replace "**32-03.3-09**" with "**32-03.4-09**"

Page 7, line 13, replace "**32-03.3-10**" with "**32-03.4-10**"

Page 7, line 17, replace "**32-03.3-11**" with "**32-03.4-11**"

Page 7, line 19, replace "39-03.3-02" with "32-03.4-02" and replace "39-03.3-03" with "32-03.4-03"

Page 7, after line 22, insert:

**"32-03.4-12. Penalty. Any transferee that willfully violates this chapter is guilty of an infraction. A second or subsequent violation of this chapter is a class B misdemeanor."**

Page 7, line 23, replace "**32-03.3-12**" with "**32-03.4-13**"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1214: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1225: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1225 was placed on the Sixth order on the calendar.

Page 1, line 3, after "tax" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 10, remove the overstrike over "~~but not in an amount exceeding~~" and after "six" insert "nine"

Page 1, line 11, remove the overstrike over "~~million dollars per biennium~~" and overstrike "including any amounts otherwise appropriated for oil"

Page 1, line 12, overstrike "and gas impact grants for the biennium by the legislative assembly,"

Page 2, after line 2, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the energy development impact office for the purpose of allocation of oil and gas impact grants among political subdivisions in addition to the amounts to be allocated as provided by law, for the period beginning with the effective date of this Act and ending June 30, 2011. The funds provided in this section must be allocated to provide additional grant funds of \$10,000,000 in the grant round awarded in 2009 and additional grant funds of \$10,000,000 in the grant round awarded in 2010.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$6,000,000" with "\$3,000,000" and after the second comma insert "and from special funds and other income, the sum of \$3,000,000, or so much of the sum as may be necessary,"

Page 1, line 8, after the period insert "Williston state college may only spend moneys appropriated from the permanent oil tax trust fund to the extent that \$1 of nonstate matching funds are provided for each \$1 of funding provided from the permanent oil tax trust fund for the project. Williston state college may only use the funding for the purpose of constructing a virtual center for career and technical education to provide secondary career and technical education programs."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1249: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "farm" with "domestic", replace "section" with "sections", and after "5-03-06" insert "and 5-03-07"

Page 1, line 4, after "commissioner" insert "and the imposition of tax on alcoholic beverages sold in this state"

Page 1, line 8, replace "Farm" with "Domestic"

Page 1, line 9, replace "farm" with "domestic"

Page 1, line 10, remove "on a farm premises or any other premises"

Page 1, line 11, remove "primarily"

Page 1, line 12, replace "farm" with "domestic"

Page 1, line 14, after the underscored period insert "The state tax commissioner may not issue the domestic distillery license until the applicant has established that the applicant has applied for and obtained the necessary federal registrations and permits, as required under the Internal Revenue Code of 1986 [26 U.S.C. 51] and the federal Alcohol Administration Act [27 U.S.C. 203], for the operation of a distilled spirits plant."

Page 1, line 15, replace "farm" with "domestic"

Page 1, line 19, after the underscored period insert "Direct sales within this state are limited to two and thirty-eight hundredths gallons [9 liters] or less per month for personal use and not for resale. The packaging must conform with the labeling requirements in section 5-01-16."

Page 1, line 21, replace "farm" with "domestic"

Page 1, line 22, after "premises" insert ", but only on contiguous property under common ownership."

Page 1, line 23, after the underscored period insert "The state tax commissioner may issue special events permits for not more than twenty days per calendar year to a domestic distillery allowing the domestic distillery, subject to local ordinance, to give free samples of its product by the glass or enclosed containers, at a designated trade show, convention, festival, or similar event approved by the state tax commissioner." and replace "farm" with "domestic"

Page 2, line 2, after the underscored period insert "However, a domestic distillery may sell distilled spirits to a domestic winery if the distilled spirits were produced from products provided to the domestic distillery by the domestic winery."

Page 2, line 6, replace the first "farm" with "domestic" and replace the second "farm" with "domestic"

Page 2, line 8, replace the first "farm" with "domestic" and replace the second "farm" with "domestic"

Page 2, line 10, replace "farm" with "domestic"

Page 2, line 22, replace "farm" with "domestic"

Page 2, line 24, replace "farm" with "domestic"

Page 2, line 29, replace "farm" with "domestic"

Page 3, line 13, replace "farm" with "domestic"

Page 3, line 15, replace "farm" with "domestic"

Page 3, line 20, replace "farm" with "domestic"

Page 3, after line 22, insert:

**"SECTION 3. AMENDMENT.** Section 5-03-07 of the North Dakota Century Code is amended and reenacted as follows:

**5-03-07. Imposition of tax - Rate.** A tax is hereby imposed upon all alcoholic beverage wholesalers, domestic wineries, domestic distilleries, microbrew pubs, and direct shippers for the privilege of doing business in this state. The amount of this tax shall be determined by the gallonage according to the following schedule:

|                                            |                         |
|--------------------------------------------|-------------------------|
| Beer in bulk containers - per wine gallon  | \$ .08 (.021 per liter) |
| Beer in bottles and cans - per wine gallon | .16 (.042 per liter)    |

|                                                                   |                        |
|-------------------------------------------------------------------|------------------------|
| Wine containing less than 17% alcohol by volume - per wine gallon | .50 (.132 per liter)   |
| Wine containing 17%-24% alcohol by volume - per wine gallon       | .60 (.159 per liter)   |
| Sparkling wine - per wine gallon                                  | 1.00 (.264 per liter)  |
| Distilled spirits - per wine gallon                               | 2.50 (.66 per liter)   |
| Alcohol - per wine gallon                                         | 4.05 (1.07 per liter)" |

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1255: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1255 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "three" with "five"

Page 1, line 15, replace "four" with "six and one-tenth"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1262: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1262 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1268: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1268 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1271: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1275: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1276: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "\$2,500,000" with "\$1,000,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1279: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1279 was placed on the Sixth order on the calendar.

Page 1, replace lines 20 through 24 with:

|                                                                                               |                                                                                                                                 |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| "a. Single, other than head of household or surviving spouse.                                 |                                                                                                                                 |
| If North Dakota taxable income is:                                                            | The tax is equal to:                                                                                                            |
| Not over <del>\$27,050</del> <u>\$33,950</u>                                                  | <del>2.10%</del> <u>1.93%</u>                                                                                                   |
| Over <del>\$27,050</del> <u>\$33,950</u> but not over <del>\$65,550</del> <u>\$82,250</u>     | <del>\$568.05</del> <u>\$655.24</u> plus <del>3.92%</del> <u>3.61%</u> of amount over <del>\$27,050</del> <u>\$33,950</u>       |
| Over <del>\$65,550</del> <u>\$82,250</u> but not over <del>\$136,750</del> <u>\$171,550</u>   | <del>\$2,077.25</del> <u>\$2,398.87</u> plus <del>4.34%</del> <u>4.00%</u> of amount over <del>\$65,550</del> <u>\$82,250</u>   |
| Over <del>\$136,750</del> <u>\$171,550</u> but not over <del>\$297,350</del> <u>\$372,950</u> | <del>\$5,167.33</del> <u>\$5,970.87</u> plus <del>5.04%</del> <u>4.64%</u> of amount over <del>\$136,750</del> <u>\$171,550</u> |

Over ~~\$297,350~~ \$372,950 ~~\$13,261.57~~ \$15,315.83 plus ~~5.54%~~ 5.10%  
of amount over ~~\$297,350~~ \$372,950

b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:

Not over ~~\$45,200~~ \$56,750

Over ~~\$45,200~~ \$56,750 but not  
over ~~\$109,250~~ \$137,050

Over ~~\$109,250~~ \$137,050 but not  
over ~~\$166,500~~ \$208,850

Over ~~\$166,500~~ \$208,850 but not  
over ~~\$297,350~~ \$372,950

Over ~~\$297,350~~ \$372,950

The tax is equal to:

~~2.10%~~ 1.93%

~~\$949.20~~ \$1,095.28 plus ~~3.92%~~ 3.61%  
of amount over ~~\$45,200~~ \$56,750

~~\$3,459.96~~ \$3,994.11 plus ~~4.34%~~ 4.00%  
of amount over ~~\$109,250~~ \$137,050

~~\$5,944.61~~ \$6,866.11 plus ~~5.04%~~ 4.64%  
of amount over ~~\$166,500~~ \$208,850

~~\$12,539.45~~ \$14,480.35 plus ~~5.54%~~ 5.10%  
of amount over ~~\$297,350~~ \$372,950

c. Married filing separately.

If North Dakota taxable income is:

Not over ~~\$22,600~~ \$28,375

Over ~~\$22,600~~ \$28,375 but not  
over ~~\$54,625~~ \$68,525

Over ~~\$54,625~~ \$68,525 but not  
over ~~\$83,250~~ \$104,425

Over ~~\$83,250~~ \$104,425 but not  
over ~~\$148,675~~ \$186,475

Over ~~\$148,675~~ \$186,475

The tax is equal to:

~~2.10%~~ 1.93%

~~\$474.60~~ \$547.64 plus ~~3.92%~~ 3.61%  
of amount over ~~\$22,600~~ \$28,375

~~\$1,729.98~~ \$1,997.05 plus ~~4.34%~~ 4.00%  
of amount over ~~\$54,625~~ \$68,525

~~\$2,972.31~~ \$3,433.05 plus ~~5.04%~~ 4.64%  
of amount over ~~\$83,250~~ \$104,425

~~\$6,269.73~~ \$7,240.17 plus ~~5.54%~~ 5.10%  
of amount over ~~\$148,675~~ \$186,475

d. Head of household.

If North Dakota taxable income is:

Not over ~~\$36,250~~ \$45,500

Over ~~\$36,250~~ \$45,500 but not  
over ~~\$93,650~~ \$117,450

Over ~~\$93,650~~ \$117,450 but not  
over ~~\$151,650~~ \$190,200

Over ~~\$151,650~~ \$190,200 but not  
over ~~\$297,350~~ \$372,950

Over ~~\$297,350~~ \$372,950

The tax is equal to:

~~2.10%~~ 1.93%

~~\$761.25~~ \$878.15 plus ~~3.92%~~ 3.61%  
of amount over ~~\$36,250~~ \$45,500

~~\$3,011.33~~ \$3,475.55 plus ~~4.34%~~ 4.00%  
of amount over ~~\$93,650~~ \$117,450

~~\$5,528.53~~ \$6,385.55 plus ~~5.04%~~ 4.64%  
of amount over ~~\$151,650~~ \$190,200

~~\$12,871.81~~ \$14,865.15 plus ~~5.54%~~ 5.10%  
of amount over ~~\$297,350~~ \$372,950

e. Estates and trusts.

If North Dakota taxable income is:

Not over ~~\$1,800~~ \$2,300

Over ~~\$1,800~~ \$2,300 but not  
over ~~\$4,250~~ \$5,350

Over ~~\$4,250~~ \$5,350 but not  
over ~~\$6,500~~ \$8,200

Over ~~\$6,500~~ \$8,200 but not  
over ~~\$8,900~~ \$11,150

Over ~~\$8,900~~ \$11,150

The tax is equal to:

~~2.10%~~ 1.93%

~~\$37.80~~ \$44.39 plus ~~3.92%~~ 3.61%  
of amount over ~~\$1,800~~ \$2,300

~~\$133.84~~ \$154.50 plus ~~4.34%~~ 4.00%  
of amount over ~~\$4,250~~ \$5,350

~~\$231.49~~ \$268.50 plus ~~5.04%~~ 4.64%  
of amount over ~~\$6,500~~ \$8,200

~~\$352.45~~ \$405.38 plus ~~5.54%~~ 5.10%  
of amount over ~~\$8,900~~ \$11,150

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1282: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1304: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 2, line 29, overstrike "limited based upon the population of" and insert immediately thereafter "allocated within" and overstrike "according to the last"

Page 2, line 30, overstrike "official decennial federal census"

Page 3, line 1, overstrike "no more"

Page 3, line 2, overstrike "than", after "dollars" insert "for allocation under subsection 4", and overstrike the semicolon

Page 3, line 3, overstrike "however, a county may receive up to", remove "five", overstrike "million", remove "eight", and overstrike "hundred"

Page 3, overstrike lines 4 and 5

Page 3, line 6, overstrike "county road and bridge, farm-to-market and", remove "federal aid", and overstrike "road, and"

Page 3, line 7, overstrike "county road purposes"

Page 3, line 12, overstrike "no more than"

Page 3, line 13, after "dollars" insert "for allocation under subsection 4", overstrike "; however, a county may receive up to", and remove "six"

Page 3, line 14, overstrike "million one hundred", remove "fifty", and overstrike "thousand dollars under this subdivision for each fiscal"

Page 3, overstrike line 15

Page 3, line 16, overstrike "combined levies for county road and bridge, farm-to-market and"

Page 3, line 17, remove "federal aid" and overstrike "road, and county road purposes"

Page 3, line 21, overstrike "no more"

Page 3, line 22, overstrike "than", after "dollars" insert "for allocation under subsection 4", and overstrike "; however, a"

Page 3, line 23, overstrike "county may receive up to", remove "six", overstrike "million", remove "nine", and overstrike "hundred thousand dollars"

Page 3, overstrike lines 24 and 25

Page 3, line 26, overstrike "bridge, farm-to-market and", remove "federal aid", and overstrike "road, and county road"

Page 3, line 27, overstrike "purposes"

Page 4, overstrike lines 1 through 3

Page 4, line 5, after "~~hereunder~~" insert "for allocation", after "under" insert "this", and remove "3"

Page 4, line 7, after "county" insert "for allocation", after "under" insert "this", and remove "3"

Page 4, line 30, after "~~hereunder~~" insert "for allocation" and after "under" insert "this"

Page 4, line 31, remove "3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1312: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Sixth order on the calendar.

Page 1, line 10, after the second "the" insert "second"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1314: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1314 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 57-20-07.1 of the North Dakota Century Code, relating to property tax statement contents; and to provide for a legislative council study.

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

**SECTION 1. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-07.1. County treasurer to mail real estate tax statement.** On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at the owner's last-known address. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request and the furnishing of their names and addresses to the county treasurer. The tax statement must include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable. The tax statement must include a statement of the property tax levy in dollars by all taxing districts and the percentage that the property tax levy in dollars is of the true and full valuation of the property. The tax statement must include, or be accompanied by a separate sheet, with three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, the property tax levy in dollars against the parcel by the county and school district and any city or township that levied taxes against the parcel. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline.

**SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2009-10 interim, the feasibility and desirability of replacing references to "true and full valuation" with "assessed valuation", eliminating references to taxable valuation, and replacing references to mills for property tax purposes with expression of tax rates as a percentage of assessed valuation. The legislative council shall also study the feasibility and desirability of designing and implementing a uniform format for property tax statements statewide. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1324: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1327: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 14, after the second "of" insert "all"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1357: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1357 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "low" and replace "loans" with "rate buydowns"

Page 1, replace lines 6 through 17 with:

**"Interest rate buydowns - Teachers.**

1. Each year, the Bank shall buy down to four percent the interest rate on any student loan held by an eligible individual. For purposes of this section, an eligible individual is one who:
  - a. Is a resident of this state;
  - b. Is licensed to teach by the education standards and practices board;
  - c. Was employed as a full-time teacher in the state during nine of the preceding twelve months; and
  - d. Is employed as a full-time teacher in this state.
2. The Bank may assess a service fee for administering this section and may establish terms and conditions necessary to effect this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1382: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1384: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1384 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "; and to provide for application"

Page 1, line 3, after the second boldfaced period insert:

**"1."**

Page 1, replace lines 7 and 8 with:

- "2. A court of this state may not construe subsection 1 to affect a private right of action that before the effective date of this Act a court of this state recognized as arising under a statute enacted in this state, including a statute that is amended after the effective date of this section unless the amendment expressly bars the private right of action."**

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1388: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1388 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 57-02 of the North Dakota Century Code, relating to reassessment of property that has been sold for less than its true and full value as most recently assessed; and to provide an effective date.

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

**SECTION 1.** A new section to chapter 57-02 of the North Dakota Century Code is created and enacted as follows:

**Reassessment based on sales price.** Property that has been sold in an arm's-length transaction for a price less than the true and full value of that property as determined in its most recent preceding assessment must be reassessed by the first assessment date following the sale at a true and full valuation not exceeding the sales price. This section does not apply to property that has changed property classifications or property that has been divided or partitioned since its previous assessment. For purposes of this section, the sales price of the property must be reduced by the amount of any special assessments, mortgage points, or other costs traditionally borne by the purchaser which were paid by the seller as part of the transaction. The purchaser of the property is responsible for providing the assessor with the documentation necessary to determine the sales price of the property for purposes of this section.

**SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2008."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1392: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "2005" with "2007"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1395: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1395 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1396: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1396 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1404: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1404 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "sections" with "section"

Page 1, line 3, remove "and 27-08.1-04"

Page 1, line 12, remove the overstrike over "and whether the defendant"

Page 1, line 13, remove the overstrike over "elects to remove the action to district court"

Page 1, line 14, remove the overstrike over "an election to remove to district"

Page 1, line 15, remove the overstrike over "court, or"

Page 2, remove lines 1 through 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1423: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1428: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1429: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, replace line 14 with "The amount of the credit under this section in excess of the taxpayer's tax liability must be refunded to the taxpayer."

Page 1, remove line 15

Page 1, line 19, after "**DATE**" insert "- **EXPIRATION DATE**", after "for" insert "the", and replace "years" with "year"

Page 1, line 20, after "2008" insert ", and after that date is ineffective"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1430: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed on the Sixth order on the calendar.

Page 4, remove lines 24 and 25

Page 4, line 26, remove "2."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1432: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1435: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 15, after "government" insert "or problems of democracy"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1456: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1456 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1458: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1460: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1460 was placed on the Sixth order on the calendar.

Page 1, line 1, after "state" insert "property and" and after "use" insert "grant"

Page 1, line 3, after "**State**" insert "**property and**" and after "**use**" insert "**grant**"

Page 1, line 4, after the first "state" insert "property and" and after "use" insert "grant"

Page 1, line 5, after "state" insert "property or"

Page 1, line 6, after "proposed" insert "property or"

Page 1, line 8, replace "The" with "In accordance with the provisions of the community and institution approved plan, the"

Page 1, line 12, replace "may" with "shall"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1461: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1461 was placed on the Sixth order on the calendar.

Page 1, line 10, after "to" insert "polling places at"

Page 1, line 12, after "precinct" insert "polling place"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1469: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1469 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1477: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "seven" with "six"

Page 1, line 21, replace "seven" with "six"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1484: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1485: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (17 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1485 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1489: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1489 was placed on the Sixth order on the calendar.

Page 1, line 2, after "crushing" insert "facility"

Page 1, line 8, after "crushing" insert "facility"

Page 1, line 14, replace "crushing" with "producing crushed"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1497: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1497 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - SEXUALLY DANGEROUS INDIVIDUAL COMMITMENT LEGAL COUNSEL COSTS.** During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals under chapter 25-03.3. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1506: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1506 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "accredited" with "approved"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1507: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "requiring" with "encouraging"

Page 1, line 7, remove "**required**" and replace "The" with "To promote national recognition and statewide enthusiasm, the legislative assembly encourages the"

Page 1, line 8, replace "shall schedule" with "to resume one of the greatest and oldest collegiate football rivalries"

Page 1, line 10, remove "to be"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1511: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1511 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1516: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1516 was placed on the Sixth order on the calendar.

Page 2, line 26, replace "proof" with "verification"

Page 3, line 7, remove "The county auditor shall"

Page 3, remove line 8

Page 3, line 10, after "verified" insert "as provided under subsection 4"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1520: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (21 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1520 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1521: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1521 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1525: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1525 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a workforce safety and insurance study of post-retirement benefits within the workers compensation system."

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

**SECTION 1. Post-retirement benefits study.** During the 2009-10 interim, workforce safety and insurance shall study the additional benefits payable benefit structure that comprises the post-retirement benefits available to an individual whose disability benefits end at the time of social security retirement eligibility. The study must identify the advantages and disadvantages of the current system to workers' compensation benefit recipients. The study must include recommendations on whether changes are necessary and the cost of any proposed changes. Before August 1, 2010, workforce safety and insurance shall report the results of the study to the legislative council's workers' compensation review committee."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1533: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1533 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "section 21-03-06.1,"

Page 1, line 2, after "57-15-01.1" insert a comma and after "to" insert "voter approval of public building projects funded through a building authority or other indirect means and"

Page 1, after line 6, insert:

**"SECTION 1.** Section 21-03-06.1 of the North Dakota Century Code is created and enacted as follows:

**21-03-06.1. Voter approval of building authority or other indirect funding methods - School construction project approval.**

1. Notwithstanding any other provision of law, a municipality or governing body of a municipality may not enter an agreement pursuant to internal revenue service revenue ruling 63-20 under which payments of any kind would be required by the municipality to any building authority or other entity that incurs indebtedness or other obligation in connection with acquisition, improvements, or construction of any property or structure to be used by the municipality unless the agreement has been approved by a vote of a majority of the qualified electors of the municipality voting on the question if the agreement is for acquisition, improvements, or construction of any property or structure for which an election would be required if the municipality undertook the acquisition or construction project through issuance of bonds of the municipality.
2. The school board of a school district may not enter an agreement pursuant to internal revenue service revenue ruling 63-20 under which payments of

any kind would be required by the school district to any building authority or other entity that incurs indebtedness or other obligation regarding construction, purchase, repair, improvement, modernization, or renovation of any building or facility to be used by the school district without approval by the superintendent of public instruction in the manner provided in section 15.1-36-01, if approval by the superintendent of public instruction would be required for the project under section 15.1-36-01 if the school district undertook the project itself."

Page 2, after line 31, insert:

- "2. The grant to a qualifying school district is equal to the greater of:
- a. The allocation determined under subsection 1; or
  - b. The taxable valuation of property in the school district in the previous taxable year times the number of mills determined by subtracting one hundred twenty mills from the combined education mill rate of the school district for the previous taxable year.
3. The grant to a qualifying school district under subsection 2 may not exceed the taxable valuation of property in the school district in the previous taxable year times the number of mills determined by subtracting fifty mills from the combined education mill rate of the school district from the previous taxable year."

Page 3, line 1, replace "2." with "4."

Page 3, line 4, replace "3." with "5."

Page 3, line 8, replace "4." with "6."

Page 3, after line 14, insert:

**"57-64-04. School district levy limit - Voter approval for increase.** A school district entitled to a grant under this chapter may not increase its combined education mill rate to a number of mills greater than the number of mills remaining unfunded from the combined education mill rate in the previous taxable year after adjustment by subtracting the amount of the grant to be received by the school district for the current taxable year, unless a higher combined education mill rate is approved by a majority of the electors of the school district voting on the question.

**57-64-05. Open enrollment transfer of funds.** If a student who was included in the weighted student unit calculation under subsection 1 of section 57-64-02 has enrolled in another school district under open enrollment, the school board of the student's school district of residence shall pay to the admitting district the amount of the grant received by the school district of residence under this chapter attributable to that student, computed on the basis of the total of grants received by the school district of residence divided by the number of students in the school district of residence at the time the calculation of the grant under this chapter was made.

**57-64-06. Application of grants for property tax reduction.** Notwithstanding any other provision of law, the reduction in a school district's mill rate attributable to grant funds under this chapter must be calculated to reduce only property taxes levied for residential and agricultural property and property classified as commercial property to the extent that property is devoted to use by an individual or group of individuals as a dwelling, but not including hotel or motel accommodations."

Page 3, line 15, replace "57-64-04" with "57-64-07"

Page 3, line 27, remove "1 and" and after "2" insert "and 3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1536: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1536 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1538: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1538 was placed on the Sixth order on the calendar.

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

Page 3, after line 22, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1544: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1544 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1545: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1545 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to the feasibility and desirability of creating a new type of limited liability company called a low-profit limited liability company."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - LOW-PROFIT LIMITED LIABILITY COMPANIES.** During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of creating a new type of limited liability company called a low-profit limited liability company. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1556: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1556 was placed on the Sixth order on the calendar.

Page 1, line 1, after the third "for" insert "public and"

Page 1, line 6, replace "a qualified" with "an"

Page 1, line 7, after "reimburse" insert "public and" and after "disability" insert "ICF/MR and home and community-based services"

Page 1, line 8, replace "servicing" with "serving"

Page 1, line 18, replace "July" with "September"

Page 1, line 22, after the comma insert "and from special funds derived from federal funds, the sum of \$100,000, or so much of the sum as may be necessary,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1561: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1561 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, remove "appeals"

Page 1, line 8, remove "In considering the injured employee's medical status, the organization shall give"

Page 1, remove lines 9 through 13

Page 1, line 14, remove "2."

Page 1, line 15, replace "determine the weight to give the doctor's" with "establish that the treating doctor's opinion is not well-supported by medically acceptable clinical and laboratory diagnostic techniques or is inconsistent with the other substantial evidence in the injured employee's record based on one or more of"

Page 1, line 16, remove "opinion by applying"

Page 1, line 21, after "e." insert "Appearance of bias;

f."

Page 1, line 23, replace "f." with "g."

Page 2, replace lines 1 and 2 with:

"2. This section does not apply to managed care programs under section 65-02-20. For purposes of this section, the organization shall determine whether a doctor is an injured employee's treating doctor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1563: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1563 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1571: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1571 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "\$546,856" with "\$273,428"

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1574: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1574 was placed on the Sixth order on the calendar.

Page 1, line 10, after "expended" insert "during the taxable year"

Page 1, line 12, after the underscored period insert "For the first taxable year beginning after December 31, 2008, the credit under this section also applies retroactively to expenditures for retrofitting fuel dispensing units from April 1, 2008, through April 1, 2009. The unused portion of the credit for retrofitting fuel dispensing units from April 1, 2008, through April 16, 2009, may be carried over for up to five taxable years after the taxable year the expenditure was made."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1576: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR**

**WITHOUT RECOMMENDATION** (6 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1576 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and section 16.1-11.1-01"

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

Page 1, line 4, remove ", and mail ballot elections"

Page 2, line 28, replace "proof" with "verification"

Page 3, line 8, remove "The county auditor shall"

Page 3, remove line 9

Page 3, line 11, after "verified" insert "as provided under subsection 4"

Page 4, remove lines 1 through 20

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1180: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, remove "section 16.1-11.1-01" and replace "and" with a period

Page 1, remove line 3

Page 1, remove lines 13 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3009: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3025: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3025 was placed on the Eleventh order on the calendar.

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Rep. DeKrey introduced:

**HCR 3043:** A concurrent resolution directing the Legislative Council to study laboratory safety at institutions of higher education.

Was read the first time and referred to the **Education Committee**.

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

**Buell J. Reich, Chief Clerk**