

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, April 8, 1991

The House convened at 9:00 a.m., with Speaker R. Anderson presiding.

The prayer was offered by the Rev. Kerry Stastny, First United Methodist Church, Bismarck.

The roll was called and all members were present except Representative Dorso.

A quorum was declared by the Speaker.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1383 as printed on HJ pages 1468-1469, which motion prevailed.

Engrossed HB 1383, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to provide for the creation of an aircraft repair and maintenance lien.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Carlson; Clayburgh; Coats; Enget; Kerzman; Mahoney; Meyer; Nichols; Oban; Ring; Scherber; Thorpe

ABSENT AND NOT VOTING: Dorso

Engrossed HB 1383 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1575 as printed on HJ pages 1652-1655 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1575: Reps. Timm, Belter, Nichols.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2058: Reps. Dorso, R. Berg, Kaldor.

#### MOTION

REP. KLOUBEC MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2018: Reps. Payne; Myrdal; Nowatzki

SB 2507: Reps. Clayburgh; Kunkel; Gabrielson

SB 2595: Reps. Payne; Hausauer; Brokaw

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1043 and HB 1384 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on SB 2010, SB 2149, SB 2151, and SB 2385.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1575, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1575: Reps. Timm; Belter; Nichols

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2058: Reps. Dorso; Berg, R.; Kaldor

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2384, SB 2509.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on SB 2003, SB 2090, SB 2115, and SB 2572, subsequently passed the same, and the emergency clause carried.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 9:13 a.m., April 8, 1991: HB 1515.

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1053, HB 1073, HB 1117, HB 1132, HCR 3070.

#### ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Speaker has received the following House Bill with the Governor's objections to same at the hour of 10:30 a.m. on Monday, April 8, 1991: HB 1599.

#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 8, 1991

HB 1599 fragments management of housing authority moneys in this state of only 640,000 people. In addition sparsely populated areas will remain unserved or subservient to urban center authorities. Both concepts are ill advised.

Administrative monies for servicing those areas could only come from General Fund sources . . . and the already redundant structure will be made infinitely worse.

Therefore, I veto HB 1599.

#### REPORTS OF CONFERENCE COMMITTEES

HB 1002, as engrossed: Your conference committee (Sens. Kelly, Satrom, Ingstad and Reps. Wentz, Gerntholz, Laughlin) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1587-1593, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1375 and 1376 and 1392-1397 of the Senate Journal and pages 1587-1593 of the House Journal, and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "courts" insert "; and to provide for a legislative council study of the feasibility and desirability of including all county judges in the public employees retirement system"

Page 1, line 22, replace "193,828" with "213,828"

Page 2, line 1, replace "5,418,758" with "5,398,758"

Page 2, line 6, replace "3,999,324" with "3,959,324"

Page 2, line 9, replace "17,599,800" with "17,559,800"

Page 2, line 11, replace "17,497,858" with "17,457,858"

Page 2, line 20, replace "107,392" with "72,000"

Page 2, line 21, replace "241,080" with "276,472"

Page 2, line 22, replace "23,157,696" with "23,133,088"

Page 2, line 23, replace "403,162" with "387,770"

Page 2, line 24, replace "23,560,858" with "23,520,858"

Page 4, after line 7, insert:

"SECTION 6. LEGISLATIVE COUNCIL STUDY OF INCLUDING ALL COUNTY JUDGES IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM. During the 1991-92 interim the legislative council may study the feasibility and desirability of including all county judges in the public employees retirement system. The legislative council may report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-third legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 180 - SUPREME COURT

This amendment decreases the general fund appropriation by \$20,000 and increases estimated income by \$20,000 to reflect the amount of anticipated income.

##### DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

This amendment increases the general fund appropriation by \$35,392 to fund the salary of the secretary position provided in the executive budget.

Estimated income is reduced by the same amount since the moneys are not available from the State Bar Association as included in the House version.

A section is added to provide a Legislative Council study to consider including all county judges in the Public Employees Retirement System.

#### DEPARTMENT 185 - DISTRICT COURTS

The operating expenses line item is reduced by \$40,000 from the general fund to reduce indigent defense moneys not necessary in the budget request for the Northwest District Court.

HB 1167, as engrossed: Your conference committee (Sens. O'Connell, Mathern, Tennesfos and Reps. Dorso, Carlisle, Huether) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1011-1012, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 861 and 862 of the Senate Journal and pages 1011 and 1012 of the House Journal, and that Engrossed House Bill No. 1167 be amended as follows:

Page 1, line 1, after "sections" insert "39-01-02,"

Page 1, line 3, after "to" insert "the display of official number plates and window decals on state vehicles,"

Page 1, line 8, after "director" insert "; and to require a legislative council study of vehicles used by the board of higher education and institutions under its jurisdiction"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 39-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-01-02. Motor vehicles owned or leased by the state to display name on side of vehicles - Exceptions - Penalty. All motor vehicles owned and operated by the state, except vehicles under the control of the central vehicle management system and the official vehicle for use by the governor, must have displayed on each front door the words NORTH DAKOTA. The words must be in letters four inches [10.16 centimeters] in height. Two and one-half inches [6.35 centimeters] directly below those words there must be printed in letters one and one-half inches [3.81 centimeters] in height the name of the state agency owning or leasing the motor vehicle. The width of the display required by this section must be proportionate to the required height. The color of the lettering must be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce this section. The state auditor, in the course of spot checking or verifying the inventory of any state agency, shall include in the auditor's report to the governor and the legislative assembly any instance of noncompliance with this section that comes to the auditor's attention. The above requirements do not apply to vehicles operated by the attorney general's office; the bureau of criminal investigation; or the highway patrol; vehicles used for drivers education at state institutions; vehicles used principally in juvenile, parole, and placement service; selected cars or vehicles of the state penitentiary approved by the director of institutions; vehicles owned and operated by any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world; or to any truck owned by any state agency. A passenger motor vehicle bearing official plates must be in compliance with this section. The administrator of any state agency who uses or authorizes the use of a motor vehicle which is not marked as required by this

section is guilty of a class B misdemeanor. The central vehicle management system vehicles must display a window decal designed by the director. The state highway patrol and all peace officers of this state shall enforce this section."

Page 5, after line 15, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY OF VEHICLES USED BY THE BOARD OF HIGHER EDUCATION AND INSTITUTIONS UNDER ITS JURISDICTION. The legislative council shall study the feasibility and desirability of requiring vehicles used by the board of higher education and institutions under its jurisdiction to be under the control of the central vehicle management system. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-third legislative assembly."

Renumber accordingly

HB 1378: Your conference committee (Sens. Keller, Krauter, David and Reps. Dorso, Carlisle, Oban) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1366-1367, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 997 and 998 of the Senate Journal and pages 1366 and 1367 of the House Journal, and that House Bill No. 1378 be amended as follows:

Page 1, line 1, after "52-01-01" insert ", subdivision e of subsection 18 of section 52-01-01, and section 65-01-03"

Page 1, line 3, after "contractor" insert "and exclusions from employment" and after "purposes" insert "and to the definition of an independent contractor for workers' compensation purposes"

Page 3, line 24, replace "right to control" with "common law"

Page 3, after line 24, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 18 of section 52-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- e. Service performed by an individual in the employ of his the individual's son, daughter, or spouse, and service performed by a child under the age of eighteen minor in the employ of his the minor's father or mother and dwelling in the household of the minor's father or mother.

SECTION 3. AMENDMENT. Section 65-01-03 of the North Dakota Century Code is amended and reenacted as follows:

65-01-03. Person performing service for remuneration presumed an employee. Each person who performs services for another for a remuneration, whether the same is paid as a salary, commission, or other considerations in lieu thereof, under any agreement or contract of hire, express or implied, shall be is presumed to be an employee of the person for whom the services are performed, unless he shall maintain the person maintains a separate business establishment or shall hold himself holds that person out to render or shall render renders services to the general public.

In determining whether a person is an independent contractor or an employee, the primary test to be employed is the "right to control common law" test."

Renumber accordingly

CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Fifty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1427, after line 18, insert:

"ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Speaker has received the following House Bills with the Governor's objections to same at the hour of 2:13 p.m. on Tuesday, March 26, 1991: HB 1091, HB 1365."

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

CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Fifty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1584, after line 1, insert:

"ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Speaker has received the following House Bill with the Governor's objections to same at the hour of 5:03 p.m., on Monday, April 1, 1991: HB 1515."

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has not adopted the conference committee report on SB 2324.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1566.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1048.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1603.

Page 1, line 4, remove "workers' compensation and"

Page 1, line 14, replace "nine" with "five"

Page 1, line 15, replace "six" with "four"

Page 2, line 7, after the underscored comma insert "and"

Page 2, line 9, remove ", and workers' compensation"

Page 2, line 19, after the second underscored comma insert "or"

Page 2, line 20, remove ", or workers' compensation"

Page 2, line 21, after the second underscored comma insert "or" and remove ", or"

Page 2, line 22, remove "workers' compensation"

Page 3, line 13, after the second underscored comma insert "or"

Page 3, line 14, remove ", or workers' compensation program"

Page 3, line 22, after the underscored comma insert "or"

Page 3, line 23, remove ", or workers' compensation program"

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2276 and subsequently failed to pass the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1053, HB 1073, HB 1117, HB 1132, HCR 3070.

#### ANNOUNCEMENT BY SPEAKER

SPEAKER R. ANDERSON ANNOUNCED that pursuant to House Rule 506, SB 2339 would be returned to the House Floor from the Committee on Industry, Business and Labor and be placed on the calendar without recommendation.

#### MOTIONS

REP. KLOUBEC MOVED that the House be on the Seventh, Ninth, and Twelfth orders of business, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

#### REPORTS OF CONFERENCE COMMITTEES

HB 1020, as engrossed: Your conference committee (Sens. Redlin, Lindaas, Ingstad and Reps. Gerntholz, Howard, Meyer) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1445-1446, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1247 of the Senate Journal and pages 1445 and 1446 of the House Journal, and that Engrossed House Bill No. 1020 be amended as follows:

Page 1, line 10, replace "55,000" with "75,000"

Page 1, line 11, replace "363,772" with "383,772"

Page 1, line 12, replace "418,772" with "458,772"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

The grants line item is increased by \$20,000 from the general fund for increased utility costs associated with the increased need for irrigation of the formal gardens and greenhouse nursery operations; the House version provided for no increase and the Senate version provided a \$30,000 increase.

The capital improvements line item is increased by \$20,000 from the general fund to repair the cement mosaic pattern in the formal gardens, the same as the Senate version; the House provided no funding for repairing the cement mosaic pattern.

Funding of \$10,000 from the general fund reduced by the House for the administration building addition and restored by the Senate is not restored by the conference committee.

HB 1534: Your conference committee (Sens. Dotzenrod, Tomac, Tennesfos (refuses to sign) and Reps. Timm, Freier, Williams) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1420, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1203 and 1204 of the Senate Journal and page 1420 of the House Journal, and that House Bill No. 1534 be amended as follows:

Page 4, line 2, overstrike "Provided, however, that the" and insert immediately thereafter "A municipality may also grant a partial exemption from ad valorem taxation on tangible property used in or necessary to the operation of a project that produces or manufactures a product from agricultural commodities grown in this state of up to one hundred percent in the sixth year from the date of commencement of project operations, eighty percent in the seventh year from the date of commencement of project operations, sixty percent in the eighth year from the date of commencement of project operations, forty percent in the ninth year from the date of commencement of project operations, and twenty percent in the tenth year from the date of commencement of project operations. An"

Renumber accordingly

#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1509.

#### HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1381, HB 1556.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 11:36 a.m., April 5, 1991: HB 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1242, HB 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 11:36 a.m., April 5, 1991: HB 1261.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:25 p.m., April 8, 1991: HB 1053, HB 1073, HB 1117, HB 1132.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:40 p.m., April 8, 1991: HCR 3070.

#### MOTION

REP. KLOUBEC MOVED that HB 1599 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1599 be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

#### MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1384 and subsequently passed the same.

#### MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1043 and subsequently failed to pass the same.



MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has dissolved its conference committee on SB 2058 and has appointed a new committee to act with a like committee from the House on:

SB 2058: Sens. Krauter; Yockim; Nething

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

It shall be numbered HCR 3072.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Ring, DeMers, Oban and Sens. Evanson, Heinrich, Mushik introduced:  
(Approved by the Committee on Delayed Bills)

HCR 3072: A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.  
Was read the first time.

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended, that HCR 3072 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

HCR 3072: A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

#### HOUSE CONCURRENT RESOLUTION NO. 3072

A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

WHEREAS, the sixth grade students of teacher Vivian Meiers at Miller Elementary School in Bismarck undertook a study on environmental protection which ultimately led to drafting, securing sponsorship for, and testifying in support of 1991 House Concurrent Resolution No. 3027, which calls for a Legislative Council study of methods to reduce ground pollution in North Dakota landfills with an emphasis on encouraging recycling efforts; and

WHEREAS, the environmental study done by these students was entered in a contest sponsored by the Target Corporation and was selected as the nation's winning entry, for which three students and their teacher will attend "Earth Expo '91" at the United Nations in New York City; and

WHEREAS, the national attention received by these students for their project and the example set by these students of the appropriate manner in which to conduct successful citizen involvement in the legislative process are examples of which North Dakotans can be proud;

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

That the Fifty-second Legislative Assembly extends its congratulations and appreciation to the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for achieving national attention for the state of North Dakota and for the excellent example set by these students in how citizens can make a difference; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Vivian Meiers and the two classes involved in this project at Miller Elementary School, the Bismarck Superintendent of Schools, and the Bismarck School Board.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3072: A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

The question being on the final adoption of the resolution, which has been read.

HCR 3072 was declared adopted on a voice vote.

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#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 8, 1991

This is to inform you that on April 5, 1991, I signed the following: HB 1116, HB 1139, HB 1291, HB 1578.

On April 6, 1991, I signed the following: HB 1260.

On April 8, 1991, I signed the following: HB 1001, HB 1003, HB 1015, HB 1242, HB 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261, HB 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606.

#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1061, HB 1135, HB 1138, HB 1145, HB 1152, HB 1262, HB 1300, HB 1313, HB 1333, HB 1343, HB 1441, HB 1450, HB 1483, HB 1507, HB 1569, HB 1571.

#### HOUSE ENROLLING REPORT

The following bill and resolution were enrolled: HB 1424, HCR 3038.

#### MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2007, SB 2008, SB 2023, SB 2067, SB 2083, SB 2118, SB 2211, SB 2249, SB 2259, SB 2272, SB 2422, SB 2425.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3072.

#### VETO CERTIFICATION

The following bill was delivered to the Legislative Council for veto certification: HB 1336.

#### MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1461, HB 1613.

#### MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2019 and SB 2596, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2019: Sens. Satrom; Redlin; Lips  
SB 2596: Sens. Mushik; Kelly; Ingstad

#### APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2019: Reps. Thompson, Jensen, Brokaw.

THE SPEAKER APPOINTED as a Conference Committee on SB 2596: Reps. Dalrymple, Gerntholz, Laughlin.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2019: Reps. Thompson; Jensen; Brokaw  
SB 2596: Reps. Dalrymple; Gerntholz; Laughlin

#### SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to create and enact a new section to chapter 26.1 36 of the North Dakota Century Code, relating to payment for chiropractic services under health benefit policies, certificates, or contracts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 48 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bernstein; Bodine; Boucher; Brokaw; Carlson; Coats; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hausauer; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Schneider; Skar; Skjerven; Snyder; Starke; Thorpe; Wentz; Williams

NAYS: Bateman; Belter; Berg, R.; Boehm; Brown; Byerly; Carlisle; Clayburgh; Cleary; Delzer; DeMers; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Henegar; Howard; Jensen; Kelsch; Kloubec; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Dalrymple; Nicholas

Engrossed SB 2339 was declared lost.

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#### REPORT OF CONFERENCE COMMITTEE

REP. SCHMIDT MOVED that the conference committee report on Engrossed HB 1014 as printed on HJ pages 1731-1732 be adopted, which motion prevailed.

Engrossed HB 1014, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Brown; Delzer; Grosz; Kerzman; Meyer; Nichols; Olsen, D.; Schimke; Shide

Engrossed HB 1014 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. DEWITZ MOVED that the conference committee report on Engrossed HB 1611 be adopted, which motion lost on a verification vote.

## MOTION

REP. KLOUBEC MOVED that HCR 3026, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

REP. HOWARD MOVED that the conference committee report on HB 1013 as printed on HJ page 1779 be adopted, which motion lost.

REP. PAYNE MOVED that the conference committee report on SB 2009 as printed on HJ pages 1779-1781 be adopted, which motion prevailed.

SB 2009, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and centennial trees program; and to provide a statement of intent.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Nicholas; Nichols; Nowatzki; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schneider; Skar; Skjervén; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams

NAYS: Belter; Brown; Delzer; Dorso; Howard; Muhs; Mutzenberger; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Schindler; Schmidt; Shide; Soukup; Timm; Speaker R. Anderson

ABSENT AND NOT VOTING: Wald

SB 2009 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on Engrossed SB 2015 as printed on HJ pages 1781-1782 be adopted, which motion prevailed.

Engrossed SB 2015, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department; and to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the establishment of a game and fish department statewide land acquisition plan.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

Engrossed SB 2015 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. RENNERFELDT MOVED that the conference committee report on Reengrossed SB 2025 as printed on HJ page 1783 be adopted, which motion prevailed.

Reengrossed SB 2025, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act relating to an agricultural pesticide and pesticide container disposal program; to provide an appropriation; to provide a statement of legislative intent; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Byerly

Reengrossed SB 2025 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. TIMM MOVED that the conference committee report on Engrossed SB 2258 as printed on HJ page 1782 be adopted, which motion prevailed.

Engrossed SB 2258, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to create and enact a new section to chapter 54-27.2 of the North Dakota Century Code, relating to transfers from the budget stabilization fund; to amend and reenact sections 54-27.2-01, 54-27.2-02, and 54-27.2-03 of the North Dakota Century Code, relating to transfers of funds from the budget stabilization fund; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Delzer; Grosz

Engrossed SB 2258 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. RENNERFELDT MOVED that the conference committee report on Engrossed SB 2451 as printed on HJ page 1783 be adopted, which motion prevailed.

Engrossed SB 2451, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2451: A BILL for an Act to create and enact two new sections to chapter 19-18 of the North Dakota Century Code, relating to the environment and rangeland protection fund and to create an advisory board; to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to registration of pesticides; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 104 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Schmidt

ABSENT AND NOT VOTING: Olson, A.

Engrossed SB 2451 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on Engrossed HB 1002 be adopted, which motion prevailed.

Engrossed HB 1002, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of the judges of the supreme and district courts; and to provide for a legislative council study of the feasibility and desirability of including all county judges in the public employees retirement system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban;

Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

Engrossed HB 1002 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1167 be adopted, which motion prevailed.

Engrossed HB 1167, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to amend and reenact sections 39-01-02, 39-06-21, 39-06-22, 39-06-32, subsections 1 and 2 of section 39-06-33, and subsection 3 of section 39-08-01 of the North Dakota Century Code, relating to the display of official number plates and window decals on state vehicles, the filing of application records for drivers' licenses and related actions, the maintenance of driving records of licensees and the deletion of record retention requirements, the authority to suspend operator licenses and to provide an effective date for such suspensions, and to have number plates impounded by courts returned to the director; and to require a legislative council study of vehicles used by the board of higher education and institutions under its jurisdiction.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Enget; Erickson; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Williams

NAYS: Belter; Berg, G.; Cleary; DeMers; Dorso; Flaagan; Gabrielson; Gorder; Hanson; Nowatzki; Olson, A.; Pyle; Schimke; Schmidt; Wardner; Speaker R. Anderson

ABSENT AND NOT VOTING: Starke

Engrossed HB 1167 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on HB 1378 be adopted, which motion prevailed.

HB 1378, as amended, was placed on the Eleventh order of business on the calendar.



## SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to amend and reenact subsection 17 of section 52-01-01, subdivision e of subsection 18 of section 52-01-01, and section 65-01-03 of the North Dakota Century Code, relating to the definition of an independent contractor and exclusions from employment for unemployment compensation purposes and to the definition of an independent contractor for workers' compensation purposes.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Gorder; Payne

ABSENT AND NOT VOTING: Kloubec

HB 1378 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. GERNTHOLZ MOVED that the conference committee report on Engrossed HB 1020 be adopted, which motion prevailed.

Engrossed HB 1020, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the international peace garden; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Boehm; Brown; Byerly; Gorder; Soukup

Engrossed HB 1020 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

REP. TIMM MOVED that the conference committee report on HB 1534 be adopted, which motion prevailed.

HB 1534, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1534: A BILL for an Act to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-05, 40-57.1-06, and 40-57.1-07 of the North Dakota Century Code, relating to tax exemptions for new and expanding industries; and to repeal section 40-57.1-04.2 of the North Dakota Century Code, relating to the definition of a local development corporation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tolliefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

HB 1534 passed and the title was agreed to.

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MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3072.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

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

SB 2324: Sens. Heinrich; Jerome; Stenehjem

#### MOTIONS

REP. KLOUBEC MOVED that the absent member be excused, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House be on the Twelfth order of business, and at the conclusion of the Twelfth order, the the House stand adjourned until 8:00 a.m., Tuesday, April 9, 1991, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

HB 1200: Your conference committee (Sens. Dotzenrod, Tomac, Vosper and Reps. Gorman, A. Olson, B. Anderson) recommends that the SENATE

RECEDE from the Senate amendments on HJ pages 1154-1155, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 982 and 983 of the Senate Journal and pages 1154 and 1155 of the House Journal, and that House Bill No. 1200 be amended as follows:

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 57-57 of the North Dakota Century Code, relating to forest stewardship recognition; to amend and reenact sections 57-57-01, 57-57-02, 57-57-03, 57-57-04, 57-57-05, 57-57-06, 57-57-07, 57-57-08, 57-57-09, and 57-57-10 of the North Dakota Century Code, relating to changing the name of the native woodland tax to the forest stewardship tax, describing property that may qualify for the forest stewardship tax, setting the rate and manner of collection of the tax, describing the duties of the state forester and board of county commissioners, and providing for hearings; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-57-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-57-01. Definitions. As used in this chapter, unless the context or subject matter otherwise ~~clearly~~ requires:

1. "County designee" means a person or agent under the control of local or state governmental entities who is willing and able to cooperate with the state forester as provided in this chapter.
2. "Forest" means an area of land normally supporting a growth of planted tree cover, woodlands, or windbreaks.
3. "Forest stewardship" means the application of environmental and economic resource management principles to benefit current and future landowners, the public, and the forest resource.
4. "State forester" means the state forester appointed under section 4-19-01 and, where reasonable, the agents and personnel under the state forester's control.
2. "Woodland" means an area of land normally supporting a growth of natural or planted forest cover.

SECTION 2. AMENDMENT. Section 57-57-02 of the North Dakota Century Code is amended and reenacted as follows:

57-57-02. Eligibility ~~to be taxed~~ for forest stewardship tax - Application. Beginning January 1, 1974, this chapter applies in any county in which the county commission has approved by resolution the application of this chapter to all qualifying property within the county. The owner or his agent of the owner, having any tract of contiguous woodland forest which consists of:

1. Natural forest cover ten acres [4.05 hectares] or larger in size;
2. Planted forest cover five acres [2.02 hectares] or larger in size and not less than sixty feet [18.29 meters] in width; or
3. Any combination of natural and planted forest cover ten acres [4.05 hectares] or larger in size,

may file an application with the state forester county commission of the county in which the property is located setting forth a description of property which he that the owner desires to place under the woodland forest stewardship tax and on which land he the owner will practice forestry. If the county commission has approved application of this chapter within the county, the county commission shall forward each application received to the state forester for a determination of whether the property qualifies under this chapter. The state forester shall prescribe the form of such for application blanks and make them available to all interested persons desiring to subject woodlands owned by them to the provisions of this chapter.

SECTION 3. AMENDMENT. Section 57-57-03 of the North Dakota Century Code is amended and reenacted as follows:

57-57-03. Duties of the state forester. Upon the filing receipt of the application provided for in section 57-57-02, the state forester shall examine the land and if he finds that the woodland will produce a forest cover, the state forester shall enter an order approving the application report to the county commission whether the property qualifies for taxation under this chapter. A copy of such order shall the state forester's report must be forwarded to the owner or his the agent of the owner, to the local assessor of any township or district wherein in which the land is located, to the clerk of the township if the township is organized, and to the county auditor. The state forester may appoint a local county designee to assist in the performance of the duties of the state forester under this chapter.

SECTION 4. AMENDMENT. Section 57-57-04 of the North Dakota Century Code is amended and reenacted as follows:

57-57-04. Application and order acceptance to constitute a contract. The application of the owner or his agent of the owner and the filing acceptance of the order application by the state forester shall constitute board of county commissioners constitutes a contract, running with the land, for a period of five years, unless terminated as provided in this chapter. Any order issued on or before March February first of any year shall take takes effect in such that year, but all orders issued after March February first of any year shall take effect the following year. If at the end of five years the contract is not renewed by mutual consent of the owner or agent of the owner and the board of county commissioners, the land shall be is declassified and shall be removed from the provisions of this chapter.

SECTION 5. AMENDMENT. Section 57-57-05 of the North Dakota Century Code is amended and reenacted as follows:

57-57-05. Duty of local assessor. The local assessor in preparing the tax roll shall show the acreage [hectarage] for each owner covered by the provisions of this chapter in a column designated by the words "Woodland Forest Tax Law" or the initials "W.F.L. F.T.L.".

SECTION 6. AMENDMENT. Section 57-57-06 of the North Dakota Century Code is amended and reenacted as follows:

57-57-06. Liability, rate, and collection of the tax - Lieu tax. The owner shall be liable and shall pay to the county treasurer at the same time taxes on other real property are due, a forest stewardship tax computed at a rate determined to be equitable by the county commissioners and the state forester on the land approved for entry under this chapter of fifty cents per acre. Such The tax shall be is a part of the total real property taxes on the land of the owner and subject to collection in the same manner as any other real property taxes. The payment of the taxes herein imposed shall be taxes under this chapter is in lieu of all ad valorem taxes by the state, counties, towns, townships, school districts, and other municipalities upon any property rights attached to such woodlands the forest. It is expressly

provided that the woodland forest stewardship tax shall not be is not in lieu of income taxes nor excise taxes upon the sale of forest products or services that may be derived from such woodlands the forest. It is expressly provided that the woodland tax rate shall not exceed the rate as determined by the state and county levy. The county commissioners and the state forester may meet to consider the woodland tax rate at any time deemed suitable or necessary by both parties.

SECTION 7. AMENDMENT. Section 57-57-07 of the North Dakota Century Code is amended and reenacted as follows:

57-57-07. Destructive practices prohibited - Declassification - Management and assistance of the state forester. If woodlands are a forest is cleared, grazed, burned, cut, or otherwise dealt with in a destructive manner as determined by the state forester, they it may be subject to declassification and return to the regular tax rolls. At the request of the owner or his the agent of the owner, the state forester or the county designee of the state forester may assist in preparing and carrying out a forest management plan for the orderly development of these woodlands each forest. The plan must cover a five-year period and must recognize the individual management objectives of the landowner. The plan must contain written recommendations for managing timber and other associated forest resources. Approval and implementation of the forest management plan must be by mutual consent of the landowner and the state forester.

SECTION 8. AMENDMENT. Section 57-57-08 of the North Dakota Century Code is amended and reenacted as follows:

57-57-08. Report of the state forester - Declassification orders. The state forester shall make an annual written report as to the forest practices of each woodland forest owner or his the agent of the owner covering lands enrolled under this chapter. The report may be based on spot field inspections, landowner questionnaires, or documented observations from local assessors. The report must list the landowners, legal descriptions, and acreages which are eligible to receive continued tax benefits. A copy of the report must be forwarded to the county auditor by March first of each year. If the state forester finds that the owner or his the agent of the owner has not complied with the law, or if the land is no longer used for forestry purposes, he the state forester shall issue an order removing the land from the woodland forest stewardship tax law classification. Any declassification order issued on or before March February first of any year shall take takes effect in such that year. A copy of the declassification order shall must be sent to the owner or his the agent of the owner, to the local assessor of the township or district wherein in which the land is located, to the clerk of the township if the township is organized, and to the county auditor. Any order issued under this section shall be is final unless set aside pursuant to the provisions of section 57-57-09.

SECTION 9. AMENDMENT. Section 57-57-09 of the North Dakota Century Code is amended and reenacted as follows:

57-57-09. Public hearing by petition - Hearing board - Presiding officer. The owner or his the agent of the owner, board of township supervisors, or board of county commissioners may petition the state forester for a public hearing to take testimony and hear evidence on whether lands shall be entered or continued under this chapter. Upon filing of such the petition, the state forester shall set such the matter for public hearing at such a time as he the state forester sees fit in the county wherein in which the land is located, but not later than ninety days from the date of the filing of the petition. The state forester, the county auditor, and the local assessor of the township wherein in which the lands are located shall constitute the hearing board. The state forester shall be is the presiding officer of the hearing and shall give thirty days' written notice of the hearing

to the owner or ~~his~~ agent of the owner, board of township supervisors, and the board of county commissioners. Such The hearing may be deferred not more than sixty days after notice to the parties involved.

SECTION 10. AMENDMENT. Section 57-57-10 of the North Dakota Century Code is amended and reenacted as follows:

57-57-10. Procedural rules for hearing - Decision - Appeal. A written record ~~shall~~ must be made of all testimony offered at any hearing before the hearing board. A transcript of the testimony taken by or before the hearing board ~~shall~~ must be furnished to any party upon written request ~~therefor~~. After hearing all the testimony and after making such any independent investigations as they deem it deems necessary, the hearing board shall make ~~their~~ its findings of fact and the decision of the majority will rule. The state forester as the presiding officer of the hearing board ~~will~~ shall make and enter this order accordingly within thirty days after the final adjournment of the hearing. An appeal may be taken to the district court of the county ~~wherein~~ in which the land in question is located within thirty days after notice ~~thereof~~ is given to each of the parties to the proceeding. Only final orders or decisions substantially affecting the rights of parties ~~shall be~~ are appealable. A procedural order made by the state forester or the hearing board during the hearing ~~shall is not be deemed~~ a final order nor an order affecting a substantial right. Such An appeal ~~shall~~ may be taken pursuant to the provisions of section 28-32-15. An appeal from a determination or decision of the hearing board ~~shall does~~ not stay the enforcement of such the determination or decision unless the court to which the appeal is taken, upon application and after a hearing, ~~shall order~~ orders a stay. The court may impose such terms and conditions for a stay of the enforcement of the determination or decision appealed as it ~~shall deem~~ deems proper.

SECTION 11. A new section to chapter 57-57 of the North Dakota Century Code is created and enacted as follows:

Forest stewardship recognition. Recognition is appropriate for landowners and organizations demonstrating special forest stewardship efforts. The state forester may establish stewardship requirements, standards, and awards for such a recognition program.

SECTION 12. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1990."

Renumber accordingly

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

ROY GILBREATH, Chief Clerk