

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

* * * * *

Bismarck, February 3, 1997

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

The prayer was offered by Father Steve Zastoupil, Corpus Christi Church, Bismarck.

The roll was called and all members were present except Representatives Boucher, Dorso, Lloyd, and Tollefson.

A quorum was declared by the Speaker.

COMMUNICATIONS FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 10:10 a.m., January 31, 1997.

This is to inform you that on January 31, 1997, I signed the following: HB 1065, HB 1066, HB 1114, and HB 1124.

The following communication was received from the Governor at 11:30 a.m., January 31, 1997.

This is to inform you that on January 31, 1997, I signed the following: HB 1128.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2018, SB 2032, SB 2084, SB 2194, SB 2250, SB 2280, SB 2281, SCR 4010.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1030, HB 1048, HB 1063, HB 1157, HB 1163, HB 1178, HB 1194, HB 1197, HB 1244, HB 1274, HB 1390, and HB 1428.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1060, HB 1091, and HB 1130.

MOTION

REP. KRETSCHMAR MOVED that HB 1363 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. CHRISTENSON REQUESTED the unanimous consent of the House to withdraw HB 1363. There being no objection, it was so ordered by the Speaker.

MOTION

REP. BELTER MOVED that HB 1449, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, HB 1449 was rereferred.

MOTION

REP. FREIER MOVED that HB 1174, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the amendments on the Sixth order of business to HB 1132, HB 1146, HB 1147, HB 1209, HB 1238, HB 1349, HB 1366, and HB 1380 be adopted, which motion prevailed.

HB 1132, HB 1146, HB 1147, HB 1209, HB 1238, HB 1349, HB 1366, and HB 1380, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to amend and reenact section 28-32-03.3 of the North Dakota Century Code, relating to consideration of administrative rules by the administrative rules committee; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Dorso; Gorder; Lloyd; Tollefson

Engrossed HB 1030 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the powers and duties of the department of human services; and to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to registration of sexually violent predators.

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, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Dorso; Lloyd; Tollefson

Engrossed HB 1048 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to create and enact two new sections to chapter 28-04 and a new section to chapter 29-01 of the North Dakota Century Code, relating to civil and criminal proceedings; to amend and reenact sections 28-04-02, 28-04-03, 28-04-04, 28-04-05, 29-03-07, 29-03-08, and 54-18-12 of the North Dakota Century Code, relating to the location of civil and criminal proceedings; and to repeal section 28-04-06 of the North Dakota Century Code, relating to the proper location of civil trials.

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 86 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.;

Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Delzer; Gulleeson; Murphy; Nichols; Niemeier; Warner; Wilkie

ABSENT AND NOT VOTING: Boucher; Dorso; Lloyd; Tollefson

Engrossed HB 1063 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to create and enact two new sections to chapter 16.1-11.1 and a new subdivision to subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to special statewide elections being conducted by mail and agents receiving mail ballots on behalf of electors; and to amend and reenact sections 16.1-11.1-01, 16.1-11.1-02, 16.1-11.1-04, and 16.1-11.1-06 of the North Dakota Century Code, relating to mail ballot elections for general and special elections and mail ballot procedures.

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 33 YEAS, 61 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Boehm; Byerly; Devlin; Drovda; Froseth; Gunter; Jacobs; Jensen; Keiser; Kelsch, R.; Kerzman; Klein; Kliniske; Kretschmar; Kunkel; Mahoney; Maragos; Monson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Sabby; Stenehjem; Sveen; Thoreson; Torgerson; Warner; Wentz

NAYS: Aarsvold; Axtman; Belter; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Hanson; Hausauer; Hawken; Henegar; Huether; Johnsen, C.; Johnson, D.; Kelsh, S.; Kempenich; Kilzer; Koppelman; Kroeplin; Martin; Martinson; Mickelson; Murphy; Nelson; Niemeier; Oban; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thorpe; Wald; Wardner; Weisz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Dorso; Lloyd; Tollefson

Engrossed HB 1157 was declared lost.

SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to assault of firefighters or emergency medical services personnel; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1178 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to oil and gas production reports; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gullekson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1194 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to amend and reenact section 34-06-15 of the North Dakota Century Code, relating to issuing special licenses to employ at less than minimum wage.

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, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gullekson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1197 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to create and enact a new subsection to section 14-09-08.10 and a new subsection to section 28-26-06 of the North Dakota Century Code, relating to the payment by a child support obligor of nonreimbursable medical expenses.

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 0 YEAS, 93 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1244 was declared lost.

MOTION

REP. FREIER MOVED that HB 1274, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to appraisals of real estate that is collateral for a loan by state-chartered banks.

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, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1390 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1428: 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 coverage for off-label uses of drugs.

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, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman;

Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Byerly; Poolman

ABSENT AND NOT VOTING: Boucher; Coats; Dorso; Lloyd; Tollefson

Engrossed HB 1428 passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1089, HB 1195, HB 1206, HB 1256, HB 1275, HB 1323, HB 1324.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, February 4, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1076: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1076 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "twenty" with "ten"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1090: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1090 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 subsection 2 of section 61-21-01 and sections 61-21-33 and 61-21-34 of the North Dakota Century Code, relating to cooperation on drain projects by political subdivisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 61-21-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Board" means the board of managers of a water resource district or the governing board of a municipality called for in sections 61-21-33 and 61-21-34, or both of those boards.

SECTION 2. AMENDMENT. Section 61-21-33 of the North Dakota Century Code is amended and reenacted as follows:

61-21-33. Boards of two or more counties jurisdictions or municipalities within the area of city zoning authority may construct drains through counties. ~~Whenever it shall be deemed necessary by the boards of two or more counties jurisdictions, including municipalities within the area of zoning authority under section 40-47-01.1, in this state determine it necessary to construct or extend a drain through or into two or more counties in this state areas within the jurisdiction of their boards, the several boards in the counties jurisdictions into or through which such proposed drain may extend when completed may establish, construct, and maintain such drain through or into two or more counties jurisdictions in the manner provided in section 61-21-34.~~

SECTION 3. AMENDMENT. Section 61-21-34 of the North Dakota Century Code is amended and reenacted as follows:

61-21-34. Procedure to construct or extend a drain through or into two or more ~~counties~~ jurisdictions or municipalities within the area of city zoning authority. In order to construct or extend a drain through or into two or more ~~counties~~ jurisdictions, including municipalities within the area of zoning authority under section 40-47-01.1, in this state, a petition ~~shall~~ **must** be presented to the several boards for the establishment of such drain in their several ~~counties~~ jurisdictions as provided in this chapter. The boards of such several ~~counties~~ jurisdictions shall hold a joint meeting and shall determine the necessity or expediency of the establishment of such drain. The several ~~boards~~ jurisdictions of all counties through or into which such proposed drain may run shall agree upon the proportion of damages and benefits to accrue to the lands affected ~~in each county~~, and for this purpose they shall consider the entire course of said drain through all said ~~counties~~ jurisdictions as one drain. Should the boards fail to agree upon the benefits to accrue to the lands in each ~~county~~ jurisdiction they shall submit the points in controversy to the state engineer of the water commission, and the state engineer's decision thereon shall be final. They may apportion the cost of establishing and constructing such entire drain ratably and equitably upon the lands in each such ~~county~~ jurisdiction in proportion to the benefits to accrue to such lands. When they have so apportioned the same, they shall make written reports of ~~such the~~ apportionment to the auditors of the several ~~counties~~ boards affected, ~~which~~. The reports ~~shall~~ **must** show the portion of cost of ~~such the~~ entire drain to be paid by taxes upon the lands in each of such ~~counties~~ jurisdictions and ~~such the~~ reports ~~shall~~ **must** be signed by all the boards of ~~all counties~~ affected. Upon the filing of such reports, the several boards shall meet and assess against the lands in each of such ~~counties~~ jurisdictions, ratably and equitably as provided by this chapter, an amount sufficient to pay the proportion of the cost of ~~such the~~ drain in each of ~~such counties the~~ jurisdictions so fixed by all ~~said the~~ boards. The provisions of this chapter relating to drains within a single county shall govern the establishment, construction, maintenance, repair, and cleanout of such drains."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1112: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Sixth order on the calendar.

Page 2, line 22, replace "Knows or should know" with "The person knows"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1135: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1135 was placed on the Sixth order on the calendar.

Page 2, line 26, remove the overstrike over "~~The failure to~~"

Page 2, line 27, after "~~board~~" insert "comply with the reporting requirements of section 43-17.1-05.1" and remove the overstrike over the period

Page 4, line 16, after "refer" insert "written"

Page 4, line 19, after "who" insert ", in good faith,"

Page 4, line 21, after the underscored period insert "For purposes of any civil proceeding, the good faith of any person who makes a report pursuant to this section is presumed."

Page 5, line 1, overstrike "be medically incompetent, guilty of"

Page 5, overstrike line 2

Page 5, line 3, overstrike "medicine" and insert immediately thereafter "have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board" and after "information" insert "in writing"

Page 5, line 10, overstrike "be medically incompetent, guilty of unprofessional conduct, or mentally or physically"

Page 5, line 11, overstrike "incapable of the proper practice of medicine" and insert immediately thereafter "have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board"

Page 5, line 13, after the period insert "For purposes of any civil proceeding, the good faith of any person who makes a report pursuant to this section is presumed."

Page 5, line 16, remove "A person who violates this section is guilty of a class B"

Page 5, line 17, remove "misdemeanor."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1158: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 8, line 9, replace "Rather" with "Unless otherwise provided by law"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1185: Agriculture Committee (Rep. Nicholas, 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 1185 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "~~elected~~"

Page 1, line 13, remove "elected before August 1, 1997," and remove the overstrike over the comma

Page 1, remove the overstrike over lines 14 and 15

Page 1, line 16, remove the overstrike "~~designated by the commissioner~~" and after the period insert "Notwithstanding the terms provided for members elected before August 1, 1997, the board, before December 31, 1997, shall determine by lot the order of subsequent elections for its members so that two members are elected for a four-year term during 1998, and one member is elected for a four-year term during each of the subsequent three years."

Page 1, line 24, replace "elected to" with "serving on"

Page 2, line 1, overstrike "three-year" and insert immediately thereafter "four-year"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1220: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1220 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "upon a highway within this state"

Page 1, line 8, after "times" insert "while upon a highway that is outside the limits of a city or which has a speed limit of fifty-five miles [88.51 kilometers] an hour or higher" and after "and" insert "every vehicle upon a highway"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1224: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1224 was placed on the Sixth order on the calendar.

Page 1, line 8, after "supplies" insert ", including farm equipment and machinery,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1343: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1343 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "immediately" and after "have" insert "immediate"

Page 1, line 13, after the underscored comma insert "except in cases in which the eviction judgment is based in whole or in part on a disturbance of the peace,"

Page 1, line 14, replace ", except in" with an underscored period

Page 1, remove line 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1379: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsections 7, 8, and 9 of section 57-39.2-01 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsections 7, 8, and 9 of section 57-39.2-01 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

7. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, and communication service to retail consumers or users; the sale of vulcanizing, recapping, and retreading services for tires; the furnishing of bingo cards; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment ~~including the playing of any machine for amusement or entertainment in response to the use of a coin;~~ and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient, or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property must be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated in another state may not be considered a taxable sale if such delivery of possession would not be treated as a taxable sale in that state. As used in this subsection the word "consumer" includes any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a purchaser who rents or leases it to a person under a finance leasing agreement over the term of which the property will be substantially

consumed must be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.

8. "Retailer" includes every person engaged in the business of leasing or renting hotel, motel, or tourist court accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, and communication services, or tickets or admissions to places of amusement, entertainment, and athletic events ~~including the playing of any machine for amusement or entertainment in response to the use of a coin~~, or magazines, or other periodicals; any organization licensed by the attorney general to conduct bingo games pursuant to section 53-06.1-03; and includes any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this chapter; and shall include the state or any municipality furnishing steam, gas, or communication service to members of the public in its proprietary capacity. For the purpose of this chapter, retailer shall also include every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer. A retailer also includes every person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.
9. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatever, for a consideration, and includes the furnishing or service of steam, gas, or communication, the furnishing of bingo cards, the furnishing of hotel, motel, or tourist court accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event, or place of entertainment ~~including the playing of any machine for amusement or entertainment in response to the use of a coin~~, and sales of magazines and other periodicals. Provided, the words "magazines and other periodicals" as used in this subsection do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1444: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Page 4, line 12, replace "has" with "would have" and after "liability" insert "if the exemption had not been granted"

Page 4, line 18, remove "at the time of application,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1019: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1019 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1110: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1179 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was referred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1205: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING). HB 1205 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1235: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1235 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1240: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1240 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1247: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1250: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1288: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1290: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1290 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1296: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1296 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1305: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1309: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1309 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1339: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1359: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1359 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1360: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1479: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (14 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). HB 1479 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3001: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3001 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Drovdal, Delmore, Kempenich and Sens. Krauter, Urlacher introduced:

HCR 3031: A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders.

Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF SENATE BILLS

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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

SB 2032: A BILL for an Act to create and enact a new section to chapter 15-35 of the North Dakota Century Code, relating to the inspection of schools by the state fire marshal or the state fire marshal's designee; and to amend and reenact section 18-01-02 of the North Dakota Century Code, relating to the duties of the state fire marshal.

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

SB 2084: A BILL for an Act to amend and reenact subsection 3 of section 54-57-07 of the North Dakota Century Code, relating to the administrative hearings fund of the office of administrative hearings.

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

SB 2194: 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 health insurance coverage for inherited metabolic disease.

Was read the first time and referred to the **Human Services Committee**.

SB 2250: A BILL for an Act to amend and reenact section 16.1-16-01 of the North Dakota Century Code, relating to election recounts for political subdivision elections.

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

SB 2280: A BILL for an Act to amend and reenact section 14-09-09.18 of the North Dakota Century Code, relating to child support income withholding orders.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2281: A BILL for an Act to amend and reenact subsection 1 of section 14-17-18 of the North Dakota Century Code, relating to appointment of counsel in paternity proceedings.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education. Was read the first time and referred to the **Judiciary Committee**.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1060, HB 1091, HB 1130.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1060, HB 1091, HB 1130.

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

ROY GILBREATH, Chief Clerk