

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, February 5, 2001

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Rev. Doug Stave, Our Savior's Lutheran and Blanchard Lutheran Churches, Hillsboro.

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

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 313, line 32 delete "HB 1307"

Page 313, line 35 delete "HB 1307"

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

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to HB 1031 HB 1221, HB 1222, HB 1223, HB 1239, HB 1307, HB 1323, and HB 1335 be adopted, which motion prevailed.

HB 1031 HB 1221, HB 1222, HB 1223, HB 1239, HB 1307, HB 1323, and HB 1335, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. BELTER MOVED that HB 1438, which is on the Eleventh order, be laid over Four legislative days, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3013: A concurrent resolution directing the Legislative Council to study the designation of highways in the state highway system and the county road system.

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

HCR 3013 passed on a voice vote, and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1005: REP. B. THORESON (Appropriations Committee) MOVED that the amendments on HJ pages 294-296 be adopted and then be placed on the Eleventh order with **DO PASS.**

REQUEST

REP. GLASSHEIM REQUESTED that the House divide the amendments to HB 1005, which request was granted.

DIVISION A

"SECTION 4. LEGISLATIVE INTENT - PAYMENT OF NATIONAL ASSOCIATION OF STATE TREASURERS-RELATED ACTIVITIES. It is the intent of the legislative assembly that the state treasurer be prohibited from using state funds for activities related to the national association of state treasurers for the biennium beginning July 1, 2001, and ending June 30, 2003."

DIVISION B

Page 1, line 2, remove the first "and", replace "section" with "sections", and after "54-11-13" insert "and 54-27-08"

Page 1, line 3, after "treasurer" insert "and the signing of warrants by electronic means; and to provide legislative intent to prohibit payment of national association of state treasurers-related activities"

Page 1, line 10, replace "651,142" with "642,551"

Page 1, line 13, replace "759,178" with "750,587"

Page 1, after line 19, insert:

"SECTION 3. AMENDMENT. Section 54-27-08 of the North Dakota Century Code is amended and reenacted as follows:

54-27-08. How moneys paid from state treasury - Warrants - When not necessary. Except as otherwise provided, moneys may be paid from the state treasury only upon the warrant or order prepared by the office of management and budget drawn on the state treasurer. The state auditor shall recommend a form for order and warrant-check of the state government which must conform, so far as consistent with statutory requirements, to approved banking practice ~~in order~~ to facilitate handling of such instruments by banks and other depositories. When ~~such an~~ order and warrant-check is signed by the state auditor, the state treasurer shall accept the order or warrant with ~~his the treasurer's~~ signature, making the order and warrant-check negotiable. No warrant upon the treasurer may be delivered or mailed to the payee or ~~his the payee's~~ agent or representative until the warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. A record must be maintained specifying upon what fund or from what apportionment each warrant is to be paid. The state treasurer may redeem outstanding bonds or pay interest on bonds when due without the warrant of the office of management and budget, retaining the bond or interest coupon as ~~his a~~ voucher for the payment until the next ~~succeeding~~ settlement. With respect to electronic records and electronic signatures, the state treasurer shall utilize the services provided by the information technology department."

Renumber and correct the title accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - State Treasurer - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$651,142	(\$8,591)	\$642,551
Operating expenses	106,036		106,036
Equipment	<u>2,000</u>		<u>2,000</u>
Total all funds	\$759,178	(\$8,591)	\$750,587
Less estimated income			
General fund	\$759,178	(\$8,591)	\$750,587
FTE	7.00	0.00	7.00

Dept. 120 - State Treasurer - Detail of House Changes

	ADJUST MARKET EQUITY SALARY INCREASE ¹	TOTAL HOUSE CHANGES
Salaries and wages	(\$8,591)	(\$8,591)
Operating expenses		
Equipment		
Total all funds	(\$8,591)	(\$8,591)
Less estimated income		
General fund	(\$8,591)	(\$8,591)
FTE	0.00	0.00

¹ This amendment reduces, from \$11,294 to \$2,703, the amount provided for a market equity salary increase for the Deputy State Treasurer. The amount included in the bill will provide for a monthly increase of \$129 and related fringe benefits for the last 18 months of the biennium.

Two sections are added requiring the State Treasurer to utilize the services of the Information Technology Department for electronic records and signatures and providing legislative intent regarding the use of state funds for activities related to National Association of State Treasurers.

The question being on the adoption of Division A of the proposed amendments to HB 1005.

Division A of the proposed amendments to HB 1005 was adopted on a verification vote.

The question being on the adoption of Division B of the proposed amendments to HB 1005.

Division B of the proposed amendments to HB 1005 was adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact sections 54-11-13 and 54-27-08 of the North Dakota Century Code, relating to the salary of the state treasurer and the signing of warrants by electronic means; and to provide legislative intent to prohibit payment of national association of state treasurers-related activities.

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 70 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Martinson; Meier; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleson; Hanson; Hunsakor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1005 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

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, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Delzer; Kerzman; Lemieux; Niemeier; Sandvig

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1001 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to employees exempt from the state classified service; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1010 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact subsection 6 of section 52-04-06 of the North Dakota Century Code, relating to the risk adjustment rate for unemployment compensation contributions.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1086 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to create and enact a new section to chapter 26.1-13 of the North Dakota Century Code, relating to county mutual insurance companies; and to amend and reenact sections 26.1-13-01 and 26.1-13-02 of the North Dakota Century Code, relating to county mutual insurance companies.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1303 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1385: A BILL for an Act to amend and reenact section 50-06-06.13 of the North Dakota Century Code, relating to treatment services for children with serious emotional disorders.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1385 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to amend and reenact section 15.1-19-03 of the North Dakota Century Code, relating to a period of silence, the recitation of prayers, and the pledge of allegiance in schools.

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 53 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boehm; Brandenburg; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Herbel; Hunskor; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kretschmar; Lloyd; Mahoney; Meier; Metcalf; Onstad; Pietsch; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Solberg; Thoreson, B.; Tieman; Timm; Wald; Weiler; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Berg; Boucher; Brekke; Brusegaard; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Glassheim; Gulleon; Haas; Hanson; Hawken; Huether; Jensen; Johnson, D.;

Johnson, N.; Keiser; Kelsch, R.; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Maragos; Martinson; Monson; Mueller; Nelson; Niemeier; Nottestad; Pollert; Porter; Sandvig; Schmidt; Svedjan; Thoreson, L.; Thorpe; Warner; Weisz; Wentz; Winrich

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1437 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact section 54-52.3-01 of the North Dakota Century Code, relating to participation by members of the legislative assembly in the pretax benefits program; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulletson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Byerly; Skarphol

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1449 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to amend and reenact section 57-15-16 of the North Dakota Century Code, relating to school district building funds; 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 21 YEAS, 76 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Delmore; Disrud; Eckre; Ekstrom; Glassheim; Haas; Hawken; Hunsakor; Jensen; Johnson, N.; Kelsh, S.; Kroeber; Maragos; Meier; Mueller; Nottestad; Price; Sandvig; Thoreson, L.; Wentz; Winrich

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Dosch; Drovdal; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulletson; Gunter; Hanson; Herbel; Huether; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Martinson; Metcalf; Monson; Nelson; Niemeier; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1466 was declared lost.

SECOND READING OF HOUSE RESOLUTION

HCR 3009: A concurrent resolution for the amendment of section 9 of article I of the Constitution of North Dakota, relating to judicial review of governmental determinations that impact a person's property or activities.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Boucher; Brandenburg; Brekke; Carlson; DeKrey; Delmore; Delzer; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grande; Grumbo; Gulleon; Hanson; Hunskor; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Mueller; Nelson; Onstad; Pietsch; Pollert; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Timm; Wald; Warner; Wikenheiser; Winrich; Wrangham

NAYS: Aarsvold; Bellew; Berg; Boehm; Brusegaard; Byerly; Carlisle; Clark; Cleary; Devlin; Disrud; Dosch; Froseth; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein, M.; Klemm; Kliniske; Koppang; Kretschmar; Lloyd; Martinson; Meier; Metcalf; Monson; Niemeier; Nottestad; Porter; Price; Renner; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Weiler; Weisz; Wentz; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

HCR 3009 was declared lost.

MOTION

REP. BELTER MOVED that HB 1382, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SPEAKER BERNSTEIN RECOGNIZED former Rep. Art Melby.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HCR 3003: Reps. M. Klein, Meier, Hunskor.

REPORT OF STANDING COMMITTEE

HB 1024: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 2, after "bureau" insert "; to amend and reenact section 3 of chapter 548 of the 1999 Session Laws, relating to the purchase of building and property by the workers compensation bureau; and to provide for retroactive application"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 3 of chapter 548 of the 1999 Session Laws is amended and reenacted as follows:

SECTION 3. EXPIRATION DATE. This If the workers compensation bureau selects a site for construction of a building before March 1, 2001, this Act is effective through July 31, 2003, and after that date is ineffective. If the workers compensation bureau does not select a site for construction of a building before March 1, 2001, this Act is effective through February 28, 2001, and after that date is ineffective.

SECTION 3. RETROACTIVE APPLICATION OF ACT. Section 2 of this Act is retroactive in application."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment adds a section amending 1999 House Bill No. 1266 requiring the Workers Compensation Bureau to select a site for construction of a building to house its operations before March 1, 2001, or lose authority for construction.

REPORT OF STANDING COMMITTEE

HB 1025: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "2,314,750" with "2,237,072"

Page 1, line 19, replace "1,507,730" with "1,500,998"

Page 1, line 20, replace "12,000" with "7,500"

Page 1, line 22, replace "3,859,480" with "3,770,570"

Page 1, line 23, replace "6,649,613" with "6,560,703"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1025 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Retirement and Investment Office			
Total all funds	\$2,790,133	\$0	\$2,790,133
Less estimated income	<u>2,790,133</u>		<u>2,790,133</u>
General fund	\$0	\$0	\$0
Public Employees Retirement System			
Total all funds	\$3,859,480	(\$88,910)	\$3,770,570
Less estimated income	<u>3,859,480</u>	<u>(88,910)</u>	<u>3,770,570</u>
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$6,649,613	(\$88,910)	\$6,560,703
Less estimated income	<u>6,649,613</u>	<u>(88,910)</u>	<u>6,560,703</u>
General fund	\$0	\$0	\$0

House Bill No. 1025 - Public Employees Retirement System - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,314,750	(\$77,678)	\$2,237,072
Operating expenses	1,507,730	(6,732)	1,500,998
Equipment	12,000	(4,500)	7,500
Contingency	<u>25,000</u>		<u>25,000</u>
Total all funds	\$3,859,480	(\$88,910)	\$3,770,570
Less estimated income	<u>3,859,480</u>	<u>(88,910)</u>	<u>3,770,570</u>
General fund	\$0	\$0	\$0
FTE	27.00	(1.00)	26.00

Dept. 192 - Public Employees Retirement System - Detail of House Changes

	REMOVE NEW FTE AND RELATED FUNDING ¹	TOTAL HOUSE CHANGES
Salaries and wages	(\$77,678)	(\$77,678)
Operating expenses	(6,732)	(6,732)
Equipment	(4,500)	(4,500)
Contingency		
Total all funds	(\$88,910)	(\$88,910)
Less estimated income	<u>(88,910)</u>	<u>(88,910)</u>
General fund	\$0	\$0
FTE	(1.00)	(1.00)

¹ This amendment removes a one FTE employee benefits programs specialist position and related funding included in the Schafer and Hoeven budget recommendations for conducting member education programs.

REPORT OF STANDING COMMITTEE

HB 1099: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1099 was placed on the Sixth order on the calendar.

Page 3, line 22, replace "c" with "e"

Page 5, line 29, remove ", premium payment amount and history for any"

Page 5, line 30, remove "available insurance coverage."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1099 - House Action**

This amendment removes proposed language which would have provided that public employee records relating to insurance premium payments are confidential.

REPORT OF STANDING COMMITTEE

HB 1101: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1101 was placed on the Sixth order on the calendar.

Page 7, remove lines 22 and 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1105, as engrossed and amended: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1105, as amended, was placed on the Sixth order on the calendar.

Page 142, line 12, replace "general" with "secretary of state's general services operating"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Dept. 108 - Secretary of State**

HOUSE - This amendment changes the source of funds from the general fund to the Secretary of State's general services operating fund for the \$21,000 appropriation relating to costs of providing direct access to the central indexing system.

REPORT OF STANDING COMMITTEE

HB 1123: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1123 was placed on the Sixth order on the calendar.

Page 2, line 10, replace ", or unless competition may be limited or" with ". When it is advantageous that the purchase be of a particular brand of product or products of a particular manufacturer to the exclusion of competitive brands or manufacturers, the purchasing board or entity must document those circumstances and provide written justification for the proprietary specification or purchase. The purchasing board or entity shall procure the proprietary product through a competitive process unless the needed product is available exclusively from one source of supply or other circumstances exist under which competition can be waived."

Page 2, remove line 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1125: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to office of management and budget standards and guidelines for the acquisition of services; and to amend and reenact subsection 7 of section 54-44.4-02, section 54-44.4-05, and subsections 1 and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to justification for emergency purchases, variations on competitive bidding, and exemptions from vendor registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 54-44.4-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Emergency purchases the office of management and budget cannot make within the required time and which involve public health or public safety, or where immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services. Emergency purchases must be made with the level of competition practicable under the circumstances, and a written determination of the basis for the emergency and for the selection of the particular contractor must be included in the contract file and reported to the office of management and budget.

SECTION 2. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Contracts for services - Office of management and budget to establish guidelines - Agencies to comply - Exemptions - Definition.

1. The office of management and budget shall develop and publish, and may amend from time to time, standards and guidelines for the procurement of contracts for services. Unless the director of the office of management and budget, or the director's designee, grants an exemption, or unless the standards and guidelines of the office of management and budget are directly contrary to the specified terms of a statute, all state agencies, boards, bureaus, commissions, and institutions shall comply with the standards and guidelines for all contracts for services. Exemptions may be granted on an agency basis or for specific services or service contracts. The standards and guidelines adopted under this section are administrative rules and must be adopted under chapter 28-32.
2. As used in this chapter, "services" includes any work performed by an independent contractor for this state when the service rendered does not consist primarily of the acquisition of commodities, equipment, or materials, or the rental of commodities, equipment, or materials.

SECTION 3. AMENDMENT. Section 54-44.4-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.4-05. Competitive bidding-on, limited competitive, noncompetitive, and negotiated purchases - Other government purchasing contracts - Exempt records.

1. Except as otherwise provided in ~~section~~sections 44-08-01 and ~~section~~ 25-16.2-02, and in this section, purchasing contracts must be awarded to the lowest responsible bidder considering conformity with specifications, terms of delivery, and quality and serviceability. The office of management and budget may reject any or all bids or negotiate for a lower price with a successful bidder. Each bid received, with the name of the bidder, must be recorded. The office of management and budget may enter into term contracts for the acquisition of commodities or services, and may make multiple awards for term commodity or service contracts when it deems a multiple award to be in the best interests of the state. Until the date and

time set for receiving and opening bids and proposals pursuant to a request for bids or proposals, all bids and proposals received under this chapter are exempt records under subsection 5 of section 44-04-17.1.

2. The office of management and budget shall adopt rules specifying the circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing. The circumstances that may permit limited competitive, noncompetitive, or negotiated purchases include:
 - a. The commodity is available from only one supplier.
 - b. The commodity is available from another governmental entity's contract.
 - c. The commodity is to be purchased for experimentation or trial.
 - d. Competitive bidding has failed to produce a bidder.
 - e. Commodities are being purchased for over-the-counter resale.
 - f. Acceptable goods are produced or provided by correctional institutions or other government agencies.
 - g. The anticipated cost of purchasing specified goods is less than an amount determined by the office of management and budget which would justify the expense of competitive bidding.
 - h. A used commodity is advantageous to the state and the commodity is available only on short notice.
 - i. The commodity is a component or replacement part for which there is no commercially available substitute and which can be obtained only from the manufacturer.
 - j. Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment.
3. If the director of the office of management and budget determines it to be in the best interest of the state, the office of management and budget may agree to purchase according to contracts entered into by the United States general services administration, or may enter into cooperative purchasing agreements with a cooperative purchasing group of other state governments.

SECTION 4. AMENDMENT. Subsections 1 and 4 of section 54-44.4-09 of the 1999 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. Every person or business entity that desires to bid or submit a proposal on contracts for commodities awarded under this chapter must be an approved vendor in order to receive a request for bids or proposals. Unless waived by the director of the office of management and budget, or the director's designee, a bid or proposal may not be considered under this section from any vendor that is not approved.
4. The director of the office of management and budget, or the director's designee, may waive the requirements for registration with the secretary of state as provided in this section and authorize receipt of a bid or proposal from a vendor that unqualifiedly refuses to register as provided in this section if the director or the director's designee makes a written determination that:
 - a. A commodity is so unique and possesses such specific characteristics essential to the government program in question that it is available only from one source and not through wholesalers or retailers; or
 - b. An emergency as defined in subsection 7 of section 54-44.4-02 exists; or

- c. The commodity to be purchased is a one-time purchase for which at least two approved vendors are not available and the director of the office of management and budget, or the director's designee, determines consideration of bids or proposals from unregistered vendors is in the best interest of the state. In the event of a tie bid or proposal, the registered vendor must be given preference."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1151: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "subsection 3 of section 54-27-25,"

Page 1, line 5, remove "funds deposited in the water development trust fund and"

Page 1, remove lines 8 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1216: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1216 was placed on the Sixth order on the calendar.

Page 3, line 24, overstrike "and employee" and overstrike "pursuant to sections"

Page 3, line 25, overstrike "54-52-05 and 54-52-06" and insert immediately thereafter ", less vested employer contributions pursuant to section 54-52-11.1"

Page 3, line 26, after "election" insert "and the employee account balance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1227: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection 1 of section 43-09-01, sections" with "section" and remove the second comma

Page 1, line 2, remove "43-09-13.1, 43-09-16, and 43-09-18, and subsection 1 of section 54-07-01.2"

Page 1, line 3, replace "professional licensure requirements for electricians and" with "the"

Page 1, remove lines 6 through 9

Page 1, line 13, overstrike "five" and insert immediately thereafter "six"

Page 1, line 14, overstrike "one term"

Page 1, line 15, overstrike "expires" and insert immediately thereafter "no more than two terms expire"

Page 1, line 18, remove the overstrike over "~~and~~" and remove "or"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1231: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was placed on the Sixth order on the calendar.

Page 1, line 9, replace the second "at least" with "more than"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1256: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 3, line 17, after "any" insert "primary"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1297: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1297 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "consists of" with "may include"

Page 3, line 16, after the underscored period insert:

"5."

Page 3, line 22, replace "5" with "6"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1425: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 2, line 4, overstrike "manager of the Garrison Diversion"

Page 2, line 5, overstrike "Conservancy District" and insert immediately thereafter "chairman of the county commission of any county affected by the acquisition"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2008, SB 2106, SB 2126, SB 2127, SB 2129, SB 2173, SB 2201, SB 2205, SB 2211, SB 2214, SB 2227, SB 2248, SB 2254, SB 2255, SB 2257, SB 2259, SB 2314, SB 2324, SCR 4011.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2323, SB 2349.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1092.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1092

Page 1, line 10, replace the first "the" with "a"

Page 1, line 24, replace the fourth "the" with "a"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1128, HB 1250, HB 1351, HB 1353, HB 1354, HB 1365, HB 1380, HB 1427, HB 1465.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1258.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1169, HCR 3004.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1050.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on February 5, 2001: HB 1169.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on February 5, 2001: HCR 3004.

FIRST READING OF SENATE BILLS

SB 2039: A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code, relating to legislative approval of capital improvement projects financed by donations, gifts, grants, and bequests.
Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2044: A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to the division of property in a divorce action.
Was read the first time and referred to the **Judiciary Committee**.

SB 2067: A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-03.1, 57-40.6-04, 57-40.6-05, 57-40.6-06, and 57-40.6-08 of the North Dakota Century Code, relating to an excise tax on telephone exchange access service and application of that tax to wireless service for support of wireless enhanced 911 service; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2161: A BILL for an Act to amend and reenact section 43-20-02, subsection 2 of section 43-20-03, sections 43-20-06 and 43-20-07, subsection 1 of section 43-20-12, sections 43-20-12.1, 43-28-05, 43-28-12.2, 43-28-16, and 43-28-17, and subsection 1 of section 43-28-25 of the North Dakota Century Code, relating to dentists and dental hygienists registration, licensure, and practice.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

SB 2178: A BILL for an Act to enter the interstate wildlife violator compact; and to provide a penalty.
Was read the first time and referred to the **Natural Resources Committee**.

SB 2189: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to a corporate income tax deduction for dividends paid to shareholders by a regulated investment company or a fund of a regulated investment company; and to provide an effective date.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2202: A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.
Was read the first time and referred to the **Education Committee**.

SB 2231: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to authority of school district boards to establish student financial institutions; and to amend and reenact subsection 6 of section 6-01-17.1 of the North Dakota Century Code, relating to application fee for establishment of a separate banking facility.

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

SB 2318: A BILL for an Act to provide for property service contracts.

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

SB 2359: A BILL for an Act to provide counseling services and leave for railroad crew members following an accident.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging the Public Service Commission, Qwest Corporation, and the Federal Communications Commission to proceed as quickly as possible with the process of allowing Qwest Corporation to provide interstate telecommunications services.

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

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, February 6, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

