

JOURNAL OF THE HOUSE - SPECIAL SESSION

Fifty-eighth Legislative Assembly

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Bismarck, May 6, 2003

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

The prayer was offered by Rep. Mary Ekstrom, District 11.

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

A quorum was declared by the Speaker.

REPORT OF STANDING COMMITTEE

HB 1505: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 14, after the first semicolon insert "and" and remove "; and to declare an emergency"

Page 5, line 25, remove the second "and" and after the second "server" insert a comma

Page 6, line 15, remove "An agency may retain any of the"

Page 6, remove line 16

Page 6, line 17, remove "the agency."

Page 6, after line 20, insert:

"Each affected agency shall establish an information technology services accounting code consisting of funding related to the salaries and wages for the identified employee positions and related funding for equipment, training, office rent, travel, contracted services, or other related costs. Each agency shall use the funding contained in the information technology services account to purchase information technology services from the information technology department. The information technology department may receive any funding relating to the purchase of information technology services under this section, which is hereby appropriated. Each agency is entitled to receive from the information technology department the equivalent in services that would have been performed by employees in the transferred positions at a cost not exceeding the amounts transferred to the agency's information technology services account."

Page 7, line 6, remove the first "and", replace the second "and" with a comma, and after "services" insert ", and related equipment"

Page 11, line 4, remove the first "and" and after "server" insert a boldfaced underscored comma

Page 11, line 5, remove "legislative and" and replace "branches" with "branch"

Page 11, line 9, remove the second "and"

Page 11, line 10, after "server" insert an underscored comma and replace "office of management" with "information technology department"

Page 11, line 11, remove "and budget" and replace "information technology department" with "office of management and budget"

Page 11, line 14, replace "centralized systems" with "functional consolidation"

Page 11, line 15, replace "and" with an underscored comma and after "cost-savings" insert ", and improved quality of service"

Page 14, line 12, after "department" insert "and the office of management and budget"

Page 14, line 15, replace "approved" with "reviewed"

Page 14, line 20, after "department" insert "and the office of management and budget"

Page 14, line 26, replace "This" with "The enterprise resource planning system line item in section 1 of this Act and sections 4, 5, and 13 become effective May 16, 2003, and the remainder of the"

Page 14, remove lines 27 through 29

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Amends Section 10 of the bill relating to the transfer of state agency information technology positions to remove the provision allowing an agency to retain any of the identified positions provided that funding is available from internal savings and to include language requiring agencies to establish an information technology services line item.
- Amends Section 16 of the bill relating to the required information technology services to remove the legislative branch from the excluded entities, to clarify that the Information Technology Department is responsible for establishment of a consolidated delivery system, and to clarify the policies and guidelines to be established for the delivery of consolidated services.
- Amends Section 20 of the bill to provide that the Information Technology Department and the Office of Management and Budget shall establish information technology standards and to provide that the state Information Technology Advisory Committee shall review instead of approve the standards.
- Amends the effective date of the bill and removes the emergency clause. The enterprise resource planning line item and Sections 4, 5, and 13 become effective May 16, 2003.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1505 be adopted, which motion prevailed.

HB 1505, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department, the judicial branch, and the legislative council; to authorize the industrial commission to issue and sell evidences of indebtedness for connectND; to provide for the purchase of information technology equipment and software; to provide for the transfer of state agency information technology employees; to provide for reports to the budget section; to provide for a legislative council study; to create and enact a new section to chapter 54-10, a new section to chapter 54-35, two new sections to chapter 54-59, and a new subsection to section 54-59-05 of the North Dakota Century Code, relating to information technology responsibilities of the state auditor, information technology committee responsibilities, information technology services, and information technology department powers and duties; to amend and reenact sections 54-59-02, 54-59-05, and 54-59-09 of the North Dakota Century Code, relating to responsibilities of the information technology department and information technology standards; to repeal section 54-59-13 of the North Dakota Century Code, relating to information technology reviews; 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 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellevue; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drowdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson;

Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Guleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Martinson; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Solberg

HB 1505, as amended, passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

HB 1506: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the Eleventh order on the calendar.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the incarceration of female inmates in grade one correctional facilities; to provide a statement of legislative intent; to provide for a legislative council study; to provide an exemption to chapters 48-01.1 and 54-44.7 of the North Dakota Century Code, relating to public improvement contract bids and architect, engineer, and lands surveying services; to provide for a performance audit of the department of corrections and rehabilitation; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Guleson; Hanson; Herbel; Hunskor; Keiser; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Solberg

HB 1506 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BERG MOVED that the House stand in recess until 11:30 a.m., which motion prevailed.

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

FIRST READING OF SENATE BILLS

SB 2421: A BILL for an Act to create and enact four new sections to chapter 15.1-07, a new section to chapter 15.1-12, and a new section to chapter 15.1-27 of the North Dakota Century Code, relating to school district plans, reorganizations, ending balances, and joint powers agreements; to amend and reenact subsection 5 of section 15.1-09-36, section 15.1-21-02, subsection 6 of section 15.1-27-01, sections 15.1-27-04, 15.1-27-05, 15.1-27-06, and 15.1-27-07, subsection 1 of section 15.1-27-10, section 15.1-27-11, subsection 4 of section 15.1-27-19, subsection 4 of section 15.1-27-21, sections 15.1-27-34, 15.1-27-37, 15.1-27-39, and 15.1-29-01, subsection 4 of section 15.1-29-06, sections 15.1-29-13 and 15.1-29-14, subsection 1 of section 15.1-30-01, section 15.1-30-05, subsection 2 of section 15.1-30-15, and sections 15.1-31-05,

15.1-31-06, and 15.1-32-16 of the North Dakota Century Code, relating to per student payments, weighting factors, transportation aid, teacher compensation, teacher compensation reimbursement, and high school units; to repeal sections 15.1-27-26, 15.1-27-27, 15.1-27-28, 15.1-27-29, 15.1-27-30, and 15.1-27-31 of the North Dakota Century Code, relating to state transportation aid payments; to provide for the distribution of transportation grants; to provide for a legislative council study; to provide for data envelopment analysis completion; to provide for No Child Left Behind Act of 2001 cost estimates; to provide for teacher compensation efforts; to provide for contingent payments; to provide an appropriation; and to provide an effective date.

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

SB 2422: A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to the presentation of emergency request petitions to the emergency commission; to amend and reenact subsection 1 of section 54-16-00.1 and sections 54-16-03, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, and 54-16-11.1 of the North Dakota Century Code, relating to procedures employed by the emergency commission and approvals by the budget section; to repeal sections 54-16-10 and 54-16-11 of the North Dakota Century Code, relating to departmental emergency funds; and to provide an effective date.

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

SB 2423: A BILL for an Act to provide legislative intent regarding state employee reductions; to provide for a report to the budget section; to provide for state employee compensation increases; and to provide an effective date.

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

REPORT OF STANDING COMMITTEE

SB 2422: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2422 was placed on the Fourteenth order on the calendar.

MOTION

REP. BERG MOVED that SB 2422 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2422 was rereferred.

SECOND READING OF SENATE BILL

SB 2422: A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to the presentation of emergency request petitions to the emergency commission; to amend and reenact subsection 1 of section 54-16-00.1 and sections 54-16-03, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, and 54-16-11.1 of the North Dakota Century Code, relating to procedures employed by the emergency commission and approvals by the budget section; to repeal sections 54-16-10 and 54-16-11 of the North Dakota Century Code, relating to departmental emergency funds; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Kretschmar; Maragos; Solberg; Wikenheiser

SB 2422 passed and the title was agreed to.

MOTION

REP. BERG MOVED that the House stand in recess until 3:30 p.m., which motion prevailed.

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

REPORT OF STANDING COMMITTEE

HB 1507: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

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

Page 1, line 11, remove the overstrike over "~~special~~,"

Page 1, line 17, remove the overstrike over "~~special~~,"

Page 2, replace lines 11 through 14 with:

"If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend."

Page 2, line 15, remove "before the adjournment sine die of the special session."

Page 2, line 16, remove the overstrike over "~~an organizational~~", remove "a", and remove the overstrike over "~~or regular~~"

Page 2, line 17, remove the overstrike over "~~calendar~~", remove "legislative", and remove "special"

Page 2, line 18, remove "standing"

Page 3, remove lines 5 and 6

Renumber accordingly

SIXTH ORDER OF BUSINESS

REP. BRUSEGAARD MOVED that the amendments on the Sixth order of business to HB 1507 be adopted, which motion prevailed.

HB 1507, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the legislative assembly; to provide an effective date; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Bellew; Boe; Froelich; Grande; Kerzman; Thorpe; Timm

ABSENT AND NOT VOTING: Gulleeson; Nicholas; Solberg; Weisz; Wikenheiser

HB 1507 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1505.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1506.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1507.

MESSAGE TO THE HOUSE FROM THE SENATE (TIMOTHY W. WOOD, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2421.

MESSAGE TO THE HOUSE FROM THE SENATE (TIMOTHY W. WOOD, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2422.

MESSAGE TO THE HOUSE FROM THE SENATE (TIMOTHY W. WOOD, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2423.

MOTION

REP. BERG MOVED that the House reconsider its action whereby SB 2422 passed, which motion prevailed.

REPORT OF STANDING COMMITTEE (MINORITY)

SB 2423, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) A MINORITY of your committee (Reps. Aarsvold, Gulleson, Glassheim, Kroeber, Warner, Kerzman, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the second semicolon insert "to provide an appropriation;"

Page 3, after line 4, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the student loan trust fund, not otherwise appropriated, the sum of \$5,200,000, or so much of the sum as may be necessary, to the North Dakota university system for a campus operations pool to be allocated by the state board of higher education to higher education institutions to reduce tuition increases, for the biennium beginning July 1, 2003, and ending June 30, 2005, upon certification by the student loan trust trustee that sufficient moneys remain available to pay all debt service on student loan trust bonds, all required rebate payments to the United States treasury, and all program operating expenses."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a section to the bill providing a \$5.2 million special funds appropriation from the student loan trust fund to the North Dakota University System for a campus operations pool to be allocated to higher education institutions to reduce tuition increases.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2423, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) A MAJORITY of your committee (Reps. Svedjan, Timm, Martinson, Brusegaard, Monson, Rennerfeldt, Wald, Carlisle, Carlson, Koppelman, Skarphol, Thoreson, Delzer, Warnke, Bellew, Kempenich) recommends **DO PASS**.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Ninth, Eleventh, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, May 7, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

