

**JOURNAL OF THE HOUSE - SPECIAL SESSION****Fifty-eighth Legislative Assembly**

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**Bismarck, May 7, 2003**

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

The prayer was offered by Rep. Dennis Johnson, District 15.

The roll was called and all members were present except Representatives Boucher, Brusegaard, and Solberg.

A quorum was declared by the Speaker.

**SEVENTH ORDER OF BUSINESS****MOTION**

**REP. GULLESON MOVED** that the report of the Minority as printed on HJ page 16 be substituted for the report of the Majority on Engrossed SB 2423.

**REQUEST**

**REP. GULLESON REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2423, which request was granted.

**ROLL CALL**

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2423, the roll was called and there were 29 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Grosz; Gulleason; Hanson; Hunsakor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Thorpe; Warner; Warnke; Williams; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Norland; Solberg

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2423 failed, therefore, the report of the Majority was adopted.

**SECOND READING OF SENATE BILL**

**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.

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

**YEAS:** Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; 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; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Thorpe; Warner; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Solberg

Engrossed SB 2423 passed and the title was agreed to.

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#### **MOTION**

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

#### **MOTION**

**REP. BERG MOVED** that the House stand in recess until 10:45 a.m., which motion prevailed.

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

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

**SB 2421, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2421 was placed on the Sixth order on the calendar.

Page 32, line 23, after "15.1-27-04" insert "and tuition apportionment payments under section 15.1-28-03"

Page 32, remove lines 26 through 28

Page 32, line 29, replace "3." with "2."

Page 32, line 30, after "15.1-27-04" insert "and tuition apportionment payments under section 15.1-28-03"

Page 33, line 1, replace "4." with "3."

Page 33, replace lines 4 through 12 with:

- "4. a. The provisions of this section do not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of its members that complying with the provisions of subsection 1 would place the school district in the position of having insufficient fiscal resources to meet its other obligations.
- b. Within ten days of the vote required by subdivision a, the board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.
- c. The superintendent of public instruction shall report all notices received under this subsection to an interim committee designated by the legislative council."

Renumber accordingly

#### **SIXTH ORDER OF BUSINESS**

**REP. R. KELSCH MOVED** that the amendments on the Sixth order of business to SB 2421 be adopted, which motion prevailed.

SB 2421, as amended, was placed on the Fourteenth order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**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.

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

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

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

**ABSENT AND NOT VOTING:** Solberg

Engrossed SB 2421 passed and the title was agreed to.

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### REPORT OF STANDING COMMITTEE

**SB 2422: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2422 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subdivision a of subsection 1 of section 10-19.1-63," and after "54-16-00.1" insert a comma

Page 1, line 5, after "to" insert "consideration for issuance of shares of stock and"

Page 1, after line 8, insert:

**"SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 10-19.1-63 of the North Dakota Century Code as amended in section 9 of House Bill No. 1362, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

a. ~~Shares may be issued for any consideration, including, without limitation:~~

(4) ~~Money or other tangible or intangible property received by the corporation or to be received by the corporation under a written agreement, or services rendered to the corporation or to be rendered to the corporation, as authorized by resolution approved by the affirmative vote of the directors required by section 10-19.1-46; or~~

- (2) ~~If provided for in the articles, approved by the affirmative vote of the shareholders required by section 10-19.1-74, establishing a price in money or other consideration, or a minimum price, or a general formula or method by which the price will be determined.~~

The consideration for the issuance of shares may be paid, in whole or in part, in money; in other property, tangible or intangible; or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued is received by the corporation, the shares are considered fully paid and nonassessable. Neither promissory notes nor future services constitute payment or part payment for shares of a corporation."

Renumber accordingly

### SIXTH ORDER OF BUSINESS

**REP. WALD MOVED** that the amendments on the Sixth order of business to SB 2422 be adopted, which motion prevailed.

SB 2422, as amended, was placed on the Fourteenth order of business on the calendar.

### 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 subdivision a of subsection 1 of section 10-19.1-63, 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 consideration for issuance of shares of stock and 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 amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; 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; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Solberg

Engrossed SB 2422 passed and the title was agreed to.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. SKARPHOL MOVED** that the House do concur in the Senate amendments to Engrossed HB 1505, which motion prevailed on a voice vote.

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

### 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 passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; 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; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Martinson; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Thorpe; Warner; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Solberg

Engrossed HB 1505 passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that the House stand in recess until 12:45 p.m., which motion prevailed.

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

#### MOTION

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

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1505.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1505

Page 5, line 32, replace "2" with "1"

Page 11, line 19, after the first "the" insert "legislative and" and replace "branch" with "branches"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment amends Section 10 of the bill relating to the transfer of state agency information to change the number of employees to be transferred from the Tax Department from 2 to 1 and Section 16 of the bill relating to the required information technology services to include the legislative branch in the excluded entities.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1506.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1507.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2421, SB 2422, SB 2423.

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

**MR. SPEAKER:** The President has signed: HB 1505, HB 1506, HB 1507.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2421, SB 2422.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2423.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1505.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1505, HB 1506, HB 1507.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2421, SB 2422, SB 2423.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on May 7, 2003: HB 1505, HB 1506, HB 1507.

**MOTION**

**REP. BERG MOVED** that a committee of three be appointed to notify the Senate that the House has completed its business and is about to adjourn.

The Speaker appointed Reps. Grande, Kreidt and Sandvig.

Rep. Grande reported that the committee appointed to notify the Senate that the House has completed its business is about to adjourn has completed its business and asks to be discharged.

The committee was dissolved.

**MOTION**

**REP. BERG MOVED** that the House be on the Fourth, Twelfth, Fifteenth, and Sixteenth orders of business; that at the conclusion of those orders, the House stand adjourned subject to reconvening at 1:00 p.m. on Monday, May 19, 2003, or on a later date as determined by the Legislative Council on May 16, 2003, for reconsideration of any item or bill vetoed by the Governor, that the first three calendar days, excepting Saturday and Sunday, after delivery of bills to the Governor are deemed legislative days for purposes of Article V, Section 9, of the Constitution of North Dakota; but that if the Legislative Council issues a notice not to reconvene after passage of this motion, this adjournment be deemed an adjournment sine die for all purposes. The motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**