

JOURNAL OF THE HOUSE - SPECIAL SESSION

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, May 5, 2003

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

The prayer was offered by Rep. Joyce Kingsbury, District 16.

COMMUNICATION FROM SECRETARY OF STATE ALVIN JAEGER

I hereby certify that I have attached a true and correct copy of Executive Order 2003-02.I, executed by Governor John Hoeven on April 29, 2003, in which he convenes the North Dakota Legislative Assembly into special session on Monday, May 5, 2003, at 9:00 a.m.

In addition, I have attached a true and correct listing of Representatives who were issued Certificates of Election by the State Canvassing Board, or who were appointed in accordance with N.D.C.C. & 16.I-13-10, and who continue to serve, as of this date, in the respective legislative district to which they were elected.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

58th Legislative Assembly
Members of the House of Representatives
May 5, 2003

MEMBER	<u>DISTRICT NUMBER</u>
Mike Norland	1
Earl Rennerfeldt	1
Bob Skarphol	2
Dorvan Solberg	2
Andrew G. Maragos	3
Janet Wentz	3
Kenton Onstad	4
John M. Warner	4
Mike Timm	5
Elwood Thorpe	5
Glen Froseth	6
Bob Hunskor	6
Jon O. Nelson	7
Arlow E. Schmidt	7
Jeff Delzer	8
Dwight Wrangham	8
Tracy Boe	9
Merle Boucher	9
David Monson	10
Wayne W. Tieman	10
Mary Ekstrom	11
Scot Kelsh	11
Lyle Hanson	12
Joe Kroeber	12
Kim Koppelman	13
Alon Wieland	13
Duane DeKrey	14
Robin Weisz	14
Dennis E. Johnson	15
Eugene Nicholas	15
Gil Herbel	16
Joyce Kingsbury	16
Ken Svedjan	17
Louise Potter	17
Eliot Glassheim	18
Lonny Winrich	18

Tom Brusegaard	19
Gerald Uglem	19
Ole Aarsvold	20
Carol A. Niemeier	20
Sally M. Sandvig	21
Steve Zaiser	21
Wesley R. Belter	22
LaVonne A. Pietsch	22
William Devlin	23
Dale C. Severson	23
Ralph Metcalf	24
Phillip Mueller ²⁴	
Bruce Eckre	25
Clark Williams	25
Bill Amerman	26
Pam Gulleson	26
Randy G. Boehning	27
Ron Iverson	27
William E. Kretschmar	28
Ray H. Wikenheiser	28
Craig Headland	29
Chet Pollert	29
Ron Carlisle	30
Dave Weiler	30
Rodney J. Froelich	31
James Kerzman	31
Mark A. Dosch	32
Lisa Meier	32
Pat Galvin	33
Gary Kreidt	33
RaeAnn G. Kelsch	34
Todd Porter	34
Bob Martinson	35
Margaret Sitte	35
C.B. Haas	36
Frank Klein	36
Nancy Johnson	37
Francis J. Wald	37
Larry Bellew	38
Dan Ruby	38
David Drovdal	39
Keith Kempenich	39
Matthew M. Klein	40
Clara Sue Price	40
Al Carlson	41
Bette Grande	41
Michael Grosz	42
Amy Warnke	42
Darrell Nottestad	43
Lois Delmore	43
Byron Clark	44
Blair Thoreson	44
Rick Berg	45
LeRoy G. Bernstein	45
Kathy Hawken	46
LeRoy G. Bernstein	46
George Keiser	47
Lawrence R. Klemin	47

ROLL CALL

The roll was called and 93 members were present and 1 member absent, Representative Solberg.

A quorum was declared by the Speaker.

EXECUTIVE ORDER 2003-02.1 (SPECIAL SESSION)

I, John Hoeven, Governor of the State of North Dakota by the authority vested in me, called the North Dakota Legislative Assembly into special session which was to begin on Wednesday, April 30, 2003 at 9:00 a.m., in the Legislative Chambers, at Bismarck, North Dakota or at such time as may be provided by subsequent order.

At the request of Legislative Leadership and to accommodate legislator's schedules, the special session shall begin on MONDAY, MAY 5, 2003 at 9:00 a.m.

This Executive Order, calling the Legislative Assembly into special session is issued pursuant to Article V, sections 1 and 7 of the North Dakota Constitution and for the following reasons:

1. To address education funding, not fully addressed in SB 2154.
2. To address Information Technology Department funding and related policy issues contained in HB 1022; and
3. To address Department of Corrections and Rehabilitation funding not fully addressed in HB 1016.

Each of the aforementioned bills have been vetoed pursuant to Article V, section 9 of the North Dakota Constitution.

Executed at Bismarck, North Dakota this 29th day of April, 2003.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural **Rules Committee (Rep. Kretschmar, Chairman)**

That the House and Joint Rules of the 58th Legislative Assembly, as adopted on Wednesday, December 4, 2002, and amended on Thursday, January 23, 2003, be amended as follows for the extraordinary session of the 58th Legislative Assembly:

SECTION 1. AMENDMENT. Subsection 4 of House Rule 318 is amended as follows:

4. The following questions require a two-thirds vote of the members-elect of the House:
 - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and House Rule 339.
 - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
 - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
 - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in House Rule 319.
 - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
 - f. ~~Second reading same day as report, as provided in House Rule 337.~~
 - ~~g.~~ Reconsideration after the next legislative day, as provided in House Rule 347.
 - ~~h.~~ g. Reconsideration after a clincher motion, as provided in House Rule 348.
 - ~~i.~~ h. Suspension of requirement that copies of amendments be distributed before acted on, as provided in House Rule 601.
 - ~~j.~~ i. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

SECTION 2. AMENDMENT. House Rule 337 is amended as follows:

337. SECOND READING. No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution ratifying an amendment to the Constitution of the United States may be referred, except in the case of a bill or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor may any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the House by the committee to which it was referred, ~~provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back when so ordered by two thirds of the members-elect of the House its first reading.~~

SECTION 3. AMENDMENT. House Rule 346 is amended as follows:

346. TRANSMITTAL OF MEASURE TO SENATE - NOTICE OF INTENTION TO RECONSIDER. After the second reading of a bill or resolution, the Chief Clerk shall ~~retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of. On the thirty fourth legislative day and after the forty ninth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately upon adjournment of that day's session unless action on the bill or resolution is pending as the result of the House passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution. After the fifty eighth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution. When a member in explaining the member's vote states to the House that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention. If notice of intention~~

to move reconsideration is given, the Chief Clerk shall retain the bill or resolution until adjournment of that day's session.

SECTION 4. AMENDMENT. Subsection 1 of House Rule 401 is amended as follows:

1. Any bill or resolution that conforms to statutory requirements and these rules; ~~within the number and time prescribed,~~ may be introduced by any member, standing committee, or the Legislative Council, by filing the bill or resolution with the Chief Clerk, who shall number consecutively each bill or resolution.

SECTION 5. AMENDMENT. Subsections 1 and 2 of House Rule 402 are amended as follows:

1. ~~No member other than the Majority and Minority Leaders may introduce more than five bills as prime sponsor after the fifth legislative day. No bill may be introduced after the tenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the House present and voting.~~
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced ~~after the close of business on the day after the adjournment of the organizational session,~~ except upon approval of a majority of the Delayed Bills Committee.

SECTION 6. AMENDMENT. House Rule 403 is amended as follows:

403. DELAYED BILLS AND RESOLUTIONS. The Delayed Bills Committee shall receive from the Chief Clerk every bill and resolution offered for introduction ~~after the time for introduction as limited by House Rule 402,~~ and, on the same or the next legislative day after receiving the measure, shall inform the House whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

SECTION 7. AMENDMENT. House Rule 504 is amended as follows:

504. COMMITTEE MEETINGS.

1. ~~The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
2. ~~The three day committees meet on Monday, Tuesday, and Wednesday of each week.~~
3. ~~The two day committees meet on Thursday and Friday of each week.~~
4. ~~Any committee that meets on Wednesday and which has a member who is also a member of the Joint Constitutional Revision Committee may not take any substantive action during the time the Joint Constitutional Revision Committee meets.~~
5. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

SECTION 8. AMENDMENT. House Rule 601 is amended as follows:

601. REPORT OF COMMITTEES.

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation. However, when a committee fails to adopt any of the above recommendations due to the lack of a majority, the chairman shall report the bill to the floor with whatever minority reports individual committee members may request in accordance with House Rule 602.
2. During the fifth order of business, the Chief Clerk shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. If the committee report is divided pursuant to House Rule 602, the Chief Clerk shall announce the majority and minority report, or reports, as well.
3.
 - a. ~~If the committee report is for amendment, the proposed amendment must be placed on the calendar for the next legislative day on the sixth order of business. After the fifty fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received. On sixth order, the Speaker shall announce that without objection, the proposed amendments on the sixth order are deemed approved. If any member objects to a proposed amendment being approved with other proposed amendments, that amendment must be voted on as a separate item.~~
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next~~

~~legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.

- d. If the amendment is rejected, the measure without amendment must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.
- e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under House Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
- f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage ~~except as provided in subdivision g~~.
- g. ~~On motion~~ Except as provided under subdivision e, a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. ~~If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all House bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. A measure placed on the calendar under this subdivision may be acted on immediately after placement on the calendar.~~
- h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Chief Clerk without a notation that the report was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.
4. If the committee report is divided as provided in House Rule 602, the reports must be placed on the calendar ~~for the next legislative day~~ on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under House Rule 329.
5. ~~The~~ If practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 9. AMENDMENT. Joint Rule 202 is amended as follows:

202. RECEDING BEFORE CONFERENCE. Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority of the members-elect governs, except in a case where two-thirds of the members-elect is required by the Constitution, and the question having been put and lost, may ~~not~~ be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

SECTION 10. AMENDMENT. Joint Rule 207 is amended as follows:

207. CONSIDERATION OF ITEMS ON CONSENT CALENDAR.

1. ~~No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.~~
2. Bills or resolutions on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the House shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions.
3. 2. The question of the final passage of more than one item contained on the consent calendar may be voted on in a single vote if the vote is on either bills or resolutions and not on any combination thereof in the same vote.

- 4- 3. Immediately before voting on the first consent calendar bills or resolutions, the President of the Senate or the Speaker of the House shall call to the attention of the members the fact that the next vote will be the vote on the bills or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 340.

SECTION 11. AMENDMENT. Joint Rule 208 is amended as follows:

208. INTRODUCTION OF EXECUTIVE AGENCY AND SUPREME COURT BILLS.

Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced ~~no later than the close of business on the day after the adjournment of the organizational session. Each.~~ Upon approval by the appropriate Delayed Bills Committee, each bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget shall file with the Legislative Council those bills making appropriations to implement the budget recommended by the Governor no later than the close of business on the day after the adjournment of the organizational session and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and deliver bills filed under this rule to the appropriate house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

SECTION 12. AMENDMENT. Subsection 4 of Joint Rule 501 is amended as follows:

4. a. The agency or department preparing the fiscal note shall return the fiscal note along with the number of copies requested by the Legislative Council to the Legislative Council not later than ~~five days~~ one day from the date of the request.
- b. The Legislative Council shall retain three copies, shall provide one copy to the Office of Management and Budget, shall provide one copy to the Governor, and shall deliver the remaining copies to the Secretary of the Senate or the Chief Clerk of the House. Of those copies, one copy must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the President of the Senate, one copy must be provided to the Speaker of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.

REP. KRETSCHMAR MOVED that the report be adopted.

MOTION

REP. BERG MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

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.

MOTION

REP. BERG MOVED that HB 1505 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1505 was rereferred.

MOTION

REP. BERG MOVED that HB 1506 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1506 was rereferred.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER Your procedural **Employment Committee (Rep. Kelsch,Chairman)** recommends the following House employees for the Special Session of the Fifty-eighth Legislative Assembly:

Brad Fay
Judy Hoffman
Jerry Moszer
Lorrie Giese
Carol Siegert
Rachael Disrud
Tom Nelson
Natalie Lindquist
Kelly Schmidt
Buell Reich
Karen Karls

Chief Clerk
Journal Reporter
Sergeant-at-Arms
Administrative Assistant to the Majority Leader
Administrative Assistant to the Minority Leader
Administrative Assistant to the Speaker
Staff Assistant to Majority Leader
Staff Assistant to Minority Leader
Committee Clerk
Calendar Clerk
Page

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

MOTION

REP. BERG MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

FIRST READING OF HOUSE BILLS

Rep. Berg and Sen. Stenehjem introduced:
(Approved by the Delayed Bills Committee)

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; to provide an effective date; and to declare an emergency.

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

Rep. Berg and Sen. Stenehjem introduced:
(Approved by the Delayed Bills Committee)

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.

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

Rep. Berg and Sen. Stenehjem introduced:
(Approved by the Delayed Bills Committee)

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; to provide an expiration date; and to provide for retroactive application.

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

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Seventh and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, May 6, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk