

**2013 HOUSE JUDICIARY**

**HCR 3040**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HCR 3040  
February 23, 2013  
Job# 19439

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

The permitted growth of the foundation aid stabilization fund.

## Minutes:

**Chairman Koppelman:** Opens HCR 3040.

**Rep Delmore:** Supports HCR 3040. Reviews amendment (ended 4:10).

**Rep Klemin:** Is there some other way to address this then to state a dollar amount?

**Rep Delmore:** I would be open to that; my I believe my intent is clear that it should be used for educational purposes.

**Kayla Pulvermacher,** ND Education Association: Supports HB 3040, we would also support a percentage.

**Bev Nielson,** NDECL: We support 3040 more so than we did 3003, it could be amended by percent also. I would like to suggest on page 2, line 1, that the principal could be used to make up any shortfall in appropriation (ended 10:46)

**Rep Delmore:** Would you use the flexibility for either program if we chose to go with an amendment on 3003?

**Bev:** We think it should be related to education because our schools make payments into that as do the teachers. We have a concern about that fund and increasing contributions because it affects not only the teachers but the employers as well. If you needed it broader to pass it, that would work.

**Chairman Koppelman:** The idea that the public employee's retirement is and has always been a state obligation whereas TFFR may be viewed that way now but historically not really the case is that accurate?

**Bev:** We certainly view it as a state obligation.

**Chairman Koppelman:** Closed.

Minutes of the

(HOUSE) (SENATE) BILL NO. 3040 SUBCOMMITTEE OF THE  
\_\_\_\_\_ STANDING COMMITTEE

Meeting location: Prairie Room

Date of meeting: 3/18/2013

Time meeting called to order: 8:00 am

Members present: Rep Kretschmer, Rep Boehning + Rep  
Delzer, Rep. Hogan

Others present (may attach attendance sheet):

Rep Jeff Delzer, Rep Lois Delmore

Topics discussed:

Amend were presented by Rep Delmore

Motion and vote:

RB Moved to accept <sup>amend</sup> 1001 + 1002 on 3040 -  
~~RB~~

Moved DDB - Second KH - ~~at~~ unanimous

Time of adjournment: 8:50.


Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HCR 3040  
JOB 20104  
Date March 18, 2013

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to the permitted growth of the foundation aid stabilization fund.

## Minutes:

## Starts on time mark 1:07:19 on recording 20104

**Chairman Kim Koppelman:** Opens HCR 3040 for committee work.

**Rep. Bill Kretschmar:** The committee was unanimous and Rep. Delzer and Rep. Delmore agree with us on the two amendments, 13.3042.01001 and 13.3042.01002. The wishes to adopt the amendments and we recommend a do not pass on 3040.

**Rep. Lois Delmore:** Explained the amendments and said she and Rep. Delzer both put a lot of the same language in their amendments and wants the people of North Dakota to have a chance to vote on it.

**Rep. Bill Kretschmar:** Made a motion on amendment 13.3042.01001.

**Rep. Randy Boehning:** Second the motion.

Voice vote carried.

**Rep. Bill Kretschmar:** Made a motion on amendment 13.3042.01002.

**Rep. Randy Boehning:** Second the motion.

Voice vote carried.

**Rep. Bill Kretschmar:** Made a motion for do not pass as amended.

**Rep. Randy Boehning:** Second the motion.

Vote 11-3-0 **Rep. Kathy Hogan:** Will carry resolution 3040 to the floor.

**Ends on time mark 1:11:55 on recording 20104**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HCR 3040  
JOB 20249  
Date March 20, 2013

☐ Conference Committee

*Cameron Hickley*

## Explanation or reason for introduction of bill/resolution:

Relating to the permitted growth of the foundation aid stabilization fund.

## Minutes:

## Recording 20249 begins with HCR 3040

**Chairman Kim Koppelman:** Opens HCR 3040 for reconsideration.

**Rep. Lois Delmore:** Made a motion to reconsider HCR 3040.

**Rep. Randy Boehning:** Second the motion.

Voice vote carried.

**Rep. Lois Delmore:** Handed out amendments and said the engrossed bill was easier to look at. The amendments now are in the right place.

**Rep. Lois Delmore:** Made a motion the amendments.

**Rep. Randy Boehning:** Second the motion.

**Chairman Kim Koppelman:** There is a motion and second for the amendments in lieu of what was previously amended to the resolution.

Voice vote carried.

**Rep. Randy Boehning:** Made a do not pass as amended motion.

**Rep. Kathy Hogan:** Second the motion.

Vote 12-2-0

**Rep. Kathy Hogan:** Will carry the resolution.

**Recording 20249 ends at minute 3:14 for HCR 3040**

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3040

Page 1, line 5, replace "by more than two percent each year" with "to more than twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 1, line 20, remove the underscored period

Page 1, remove lines 21 through 25

Page 2, line 1, remove "3.    The"

Page 2, line 1, overstrike "income"

Page 2, line 1, remove "from the foundation aid stabilization fund may be expended upon"

Page 2, remove lines 2 and 3

Page 2, line 4, overstrike "must be transferred to the state general fund on July first of each"

Page 2, line 4, remove "odd-numbered"

Page 2, line 4, overstrike "year"

Page 2, line 5, replace "4." with:

"2.    Whenever the foundation aid stabilization fund reaches a level equal to twenty percent of the grants - state school aid line item, as set forth in the previous biennium's appropriation bill for the superintendent of public instruction, the excess revenue must be deposited in the common schools trust fund.

3."

Page 2, line 6, overstrike "offset foundation aid reductions"

Page 2, line 7, overstrike "that were made by executive action pursuant to law due to a revenue shortage" and insert immediately thereafter "meet benefit obligations payable by the state to members of any public employees retirement system"

Renumber accordingly

March 20, 2013

YK  
3/20/13

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3040

In lieu of the amendments as printed on pages 974 and 975 of the House Journal, House Concurrent Resolution No. 3040 is amended as follows:

Page 1, line 5, replace "by more than two percent each year" with "to more than twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 1, line 21, remove "of one hundred million"

Page 1, remove lines 22 through 24

Page 1, line 25, replace "growth" with "equal to twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 2, line 3, replace "and any" with "or to meet benefit obligations payable by the state to members of any public employees retirement system. Any"

Renumber accordingly



Date: 3-18-13  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HCR 3040**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13. 3042.01001

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kretschmar Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Voice vote - carried

See Above description

Date: 3-18-13  
Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3040**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13. 3042.01002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kretschmar Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

VOICE Vote - Carried

See above description

Date: 3-18-13  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HCR 3040**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☒ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kretschmar Seconded By Rep. Bohning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		/
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson		/
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos		/			
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 11 No 3

Absent 0

Floor Assignment Rep. Hogan

If the vote is on an amendment, briefly indicate intent:

Date: 3-20-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3040

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☒ Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

Date: 3-20-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HR 3040

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.3042.01004

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

VOICE Vote - Carried



Date: 3-20-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3040

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☒ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Boehning Seconded By Rep. Hogan

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		/
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos		/			
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep. Hogan

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "by more than two percent each year" with "to more than twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 1, line 20, remove the underscored period

Page 1, remove lines 21 through 25

Page 2, line 1, remove "3.     The"

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Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 974 and 975 of the House Journal, House Concurrent Resolution No. 3040 is amended as follows:

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Page 2, line 3, replace "and any" with "or to meet benefit obligations payable by the state to members of any public employees retirement system. Any"

Renumber accordingly