

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

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Bismarck, November 26, 2001

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

The prayer was offered by Most Reverend Paul A. Zipfel, Bishop of the Diocese of Bismarck, Roman Catholic Church.

The roll was called and all members were present except Representatives Gunter, Jensen, Sharphol, Warner, and Wentz.

A quorum was declared by the Speaker.

MOTION

REP. NICHOLAS MOVED that Lance Hagen be sworn in as Chief Clerk of the House of Representatives for the 2001 Special Session. Rep. Brandenburg seconded the motion. Rep. Nicholas moved that nominations cease. The motion prevailed.

COMMUNICATION FROM SECRETARY OF STATE AL JAEGER

I Hereby certify that I have attached a true and correct copy of Executive Order 2001-10, executed by Governor John Hoeven on November 7, 2001, in which he convenes the North Dakota Legislative Assembly into special session on Monday, November 26, 2001, 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 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.

EXECUTIVE ORDER 2001-01

I, John Hoeven, Governor of the State of North Dakota, by the authority vested in me, do hereby convene the North Dakota Legislative Assembly into special session on Monday, November 26, 2001, at 9:00 a.m., in the Legislative Chambers, at Bismarck, North Dakota.

This executive order is issued pursuant to the authority set forth below:

1. The governor is vested with the executive power pursuant to to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with the specific authority to call a special session of the Legislative Assembly pursuant to Article V, Section 7 of the North Dakota Constitution; and

This Executive Order, calling the Legislature into special session is issued for the following purposes:

- a. To provide for re-districting of government pursuant to Article IV, Section 2, of the North Dakota Constitution following the 2000 census
- b. And for such other purposes as the Legislature may deem appropriate.

Executed at Bismarck, North Dakota, this 7th day of November 2001.

2001 NORTH DAKOTA LEGISLATIVE ASSEMBLY - HOUSE

Representative	District Number
Rex R. Byerly	1
Earl Rennerfeldt	1
Bob Skarphol	2
Dorvan Solberg	2
Andrew G. Maragos	3
Janet Wentz	3
Kenton Onstad	4

John M. Warner	4
Elwood Thorpe	5
Mike Timm	5
Glen Froseth	6
Bob Hunsakor	6
G. Jane Gunter	7
Jon O. Nelson	7
Jeff Delzer	8
Dwight Wrangham	8
Merle Boucher	9
Doug Lemieux	9
David Monson	10
Wayne W. Tieman	10
Mary Ekstrom	11
Scot Kelsh	11
Dennis E. Johnson	12
Arlo E. Schmidt	12
Kim Koppelman	13
Laurel Thoreson	13
Duane DeKrey	14
Robin Weisz	14
Curtis E. Brekke	15
Eugene Nicholas	15
Gil Herbel	16
Joyce Kingsbury	16
Roxanne Jensen	17
Ken Svedjan	17
Eliot Glassheim	18
Lonny Winrich	18
Thomas T. Brusegaard	19
Edward H. Lloyd	19
Ole Aarsvold	20
Carol A. Niemeier	20
Rachael Disrud	21
Sally M. Sandvig	21
Wesley R. Belter	22
Bill Pietsch	22
William R. Devlin	23
Dale C. Severson	23
Ralph Metcalf	24
Phillip Mueller	24
Bruce Eckre	25
Myron Koppang	25
Michael Brandenburg	26
Pam Gulleon	26
Howard Grumbo	27
Robert Huether	27
William E. Kretschmar	28
Ray H. Wikenheiser	28
April Fairfield	29
Chet Pollert	29
Ron Carlisle	30
Dave Weiler	30
James Boehm	31
Dennis J. Renner	31
Mark A. Dosch	32
Lisa Meier	32
Pat Galvin	33
John Mahoney	33
RaeAnn G. Kelsch	34
Todd Porter	34
Rod Froelich	35
James Kerzman	35
C. B. "Buck" 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. "Matt" Klein	40
Clara Sue Price	40
Al Carlson	41
Bette Grande	41
Michael Grosz	42
Amy Warnke	42
Lois Delmore	43
Darrell D. Nottestad	43
Byron Clark	44
Blair Thoreson	44
Rick Berg	45
LeRoy G. Bernstein	45
Kathy Hawken	46
Jim Kasper	46
George Keiser	47
Lawrence R. Klemin	47
Lyle Hanson	48
Joe Kroeber	48
Audrey B. Cleary	49
Bob Martinson	49

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Committee on Rules (Rep. Belter, Chairman)** that

That the House and Joint Rules of the 57th Legislative Assembly, as adopted on Thursday, December 7, 2000, and amended on Tuesday, January 16, 2001, be amended as follows for the extraordinary session of the 57th 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 fifteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of the Legislative Council or 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 December tenth before the ensuing regular 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. 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. Without objection, the proposed amendments on the sixth order must be voted on in a single vote. If any member objects to voting on a proposed amendment with other proposed amendments in a single vote, 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. Joint Rule 303 is created as follows:

303. JOINT LEGISLATIVE REDISTRICTING COMMITTEE. A joint legislative redistricting committee must be appointed during any legislative session during which the issue of legislative redistricting is addressed. The committee consists of fifteen members, eight from the House and seven from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee all bills and resolutions relating to redistricting or reapportionment of legislative districts. The committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Legislative Redistricting Committee. The committee shall issue joint reports on measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 13. Joint Rule 304 is created as follows:

304. JOINT TECHNICAL CORRECTIONS COMMITTEE. A joint technical corrections committee must be appointed during a special session. The committee consists of sixteen members, eight from the House and eight from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer bills and resolutions relating to statutory or constitutional revision to the committee. The committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Technical Corrections Committee. The committee shall issue joint reports on the measures referred to it, with the report being first presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 14. 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. BELTER MOVED that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Committee on Employment (Rep. R. Kelsch, Chairman)** recommends the following House employees for the special session of the Fifty-seventh Legislative Assembly:

Lance Hagen	Chief Clerk
Judy Hoffman	Journal Reporter
Jerry Moszer	Sergeant-at-Arms
Sharon Renfrow	Administrative Assistant to Majority Leader
Tom Nelson	Shared Staff Assistant to Majority Leaders
Carol Seigert	Administrative Assistant to Minority Leader

Chad Oban	Shared Staff Assistant to Minority Leaders
Irma Hauglie	Administrative Assistant to Speaker
Janice Stein	Committee Clerk
Joan Diers	Committee Clerk
Karen Karls	Page (majority position)
Brenda Huff	Page (minority position)

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

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Committee on Committees (Rep. Belter, Chairman)** appoints the following to special session committees:

JOINT COMMITTEE ON LEGISLATIVE REDISTRICTING

Reps. Timm, Monson, Carlson, Froseth, Devlin, Hanson, Aarsvold, Gulleson

JOINT TECHNICAL CORRECTIONS COMMITTEE

Reps. Berg, DeKrey, Price, Delzer, R. Kelsch, Mueller, Ekstrom, Mahoney

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

MOTION

REP. MONSON MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

THE HOUSE RECONVENED, with Speaker Bernstein presiding.

MOTION

REP. MONSON MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

THE HOUSE RECONVENED, with Speaker Bernstein presiding.

MOTION

REP. MONSON MOVED that the absent members 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, November 27, 2001, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Belter, Chairman)** has approved a bill for an Act to amend and reenact subsections 1, 2, 3, and 8 of section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders and offenders against children; and to provide an effective date.

The bill will be HB 1480.

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

LANCE HAGEN, Chief Clerk