

Third Day of
Legislative Organizational Session
and
Forty-ninth Legislative Assembly, State of North Dakota, in
Special Session, begun and held at the Capitol in the City
of Bismarck, on Thursday, the sixth day of December,
one thousand nine hundred and eighty-four

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

* * * * *

Bismarck, December 6, 1984

The Senate convened at 9:00 a.m., President Sands presiding.

The prayer was offered by Rev. Tom Stark, Pastor of the Central Christian Church, Bismarck.

Our Father in Heaven, we are gathered in this hall of authority, at the beginning of this new day, and we seek Your divine blessing.

Father, this august body of decisionmakers for our beloved state are faced with awesome responsibilities as they determine policies and take actions that affect all of us. In their behalf, I pray for Your wisdom, Your compassion, and Your love to be guiding forces in their deliberations, and the ultimate decisions these Senators will make.

Lord, we bow before You today because we recognize Your superior, unerring wisdom and Your perfect knowledge of all things. You are our Creator, the daily sustainer and provider of all our needs. We express our gratitude for Your bounty You generously share with us here in this great land of freedom and self-government. Make us more mindful of our privileges and ensuing responsibilities.

Father God, it is because we realize that You will judge us all some day that we humbly bow before You today and seek Your special blessing on these, our duly elected leaders. Give them the courage of their convictions, the boldness to lead us in the path of what is right and good for all.

Bless them, Father, for their willingness to serve in this fearsome office and sharpen their sensitivity to the desires of their constituents--while they remain open to Your will.

This we pray, in the name of Your beloved Son, the Lord Jesus Christ. Amen.

The roll was called and all members were present except Senators Kelly and Peterson.

A quorum was declared by the President.

MOTIONS

SEN. NELSON MOVED that the absent Senators be excused, which motion prevailed.

SEN. NETHING MOVED that the Senate stand in recess for fifteen minutes, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, President Sands presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees submits the following report as to proposed Chairmen, Vice Chairmen, and members of Standing Committees:

APPOINTMENT OF STANDING COMMITTEES SENATE

Appropriations (8-6)

Lips, Chairman	Walsh
Thane, Vice Chairman	Tallackson
Wenstrom	Stromme
Naaden	Kusler
Tennefos	Mushik
Nelson	Shea
Streibel	
Tweten	

Education (4-3)

Peterson, Chairman	Berube
Freborg, Vice Chairman	Heinrich
Bakewell	Wogsland
Kelly	

Finance and Taxation (4-3)

Wright, Chairman	Dotzenrod
Adams, Vice Chairman	Satrom
Moore	Waldera
Kilander	

Industry, Business and Labor (4-3)

Reiten, Chairman	Krauter
Parker, Vice Chairman	Langley
Mutch	Kelsh
Todd	

Judiciary (4-4)

Christensen, Chairman	Redlin
Olson, Vice Chairman	Lashkowitz

Holmberg
Stenehjem

Maixner
Meyer, J.

State and Federal Government (4-4)

Lodoen, Chairman
David, Vice Chairman
Vosper
Ingstad

Matchie
Hilken
Meyer, D.
Meyer, W.

Agriculture (4-4)

Vosper, Chairman
Bakewell, Vice Chairman
Wright
Adams

Hilken
Meyer, D.
Meyer, W.
Kelsh

Natural Resources (4-3)

Moore, Chairman
Todd, Vice Chairman
David
Freborg

Redlin
Krauter
Maixner

Political Subdivisions (4-4)

Holmberg, Chairman
Ingstad, Vice Chairman
Lodoen
Olson

Berube
Dotzenrod
Waldera
Wogsland

Social Services and Veterans Affairs (4-3)

Stenehjem, Chairman
Kelly, Vice Chairman
Christensen
Peterson

Heinrich
Matchie
Meyer, J.

Transportation (4-3)

Mutch, Chairman
Kilander, Vice Chairman
Reiten
Parker

Lashkowitz
Satrom
Langley

Joint Constitutional Revision (3-2)

Wenstrom, Chairman
Holmberg
David

Lashkowitz
Matchie

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the journal, which motion prevailed.

Mr. President and fellow Senators, one of the most difficult tasks that we have is the organization of the Senate into its standing committees. This year I think it was probably similar to other years except I did feel, and did appreciate, the cooperation from both the majority

members and minority members as we proceeded to make these assignments.

Years ago, we didn't have the organizational session in which to deal with committee assignments and the legislature would be bogged down for as long as two weeks while jockeying for positions went on. The voters, in great wisdom, enabled us to have this session back in the mid-sixties and I think it is really worthwhile. It gives us an opportunity to concentrate on the committee appointments as one of the major reasons for being in the pre-session. It also gives each of us time to reflect on our committee assignments when we go home and to think more about the good that we can do in those individual assignments instead of the regret and animosity that we might have because things didn't go our way.

The majority members of the committee adopted guidelines for making committee assignments. There are eight of them, none more important than the other, except that you need to list them in a reasonable fashion.

The first is that we attempted to provide one first or second committee choice to each Senator. I don't know if we fully accomplished that, but that was the goal that we were working on.

Secondly, we attempted to balance the committee assignments on a regional basis. As you look over the committee assignments, I think that we were able to reach that goal quite well.

Thirdly, we attempted to avoid, when possible, two committee members from the same community. We have a couple of committees where we have members assigned from the same community but I think we have done quite well by reaching the regional basis. The fact that they are from the same community is not quite as strong, particularly where we had to have certain area of expertise and they had their first choices.

Fourth, the party division of committees is to reflect as closely as we can the 29-24 division in the body.

Fifth, all committee chairmen and vice chairmen come from the majority party.

Sixth, no member without previous legislative experience will be assigned to appropriations committee. I would like to point out that it's the feeling of the majority members that the appropriations committee, the intensity of the work and the background in government makes it a very demanding committee to serve on and so we've always felt that it wasn't really fair to have freshman legislators

without legislative experience, serving on that committee the first session. In this committee assignment we have made an exception to that guideline, again, wanting to emphasize the benefit of committee assignments on the regional basis, and trying to achieve the balance and also the preferences of committee members.

The seventh guideline is that no employees of state government will be assigned to appropriations and this, I know, is a bone of contention to many, but it is our viewpoint that, with the constitutional provision which at least raises a question that to my knowledge has not been answered in any litigation as to the allowance of employees serving in the state legislature, really boils down to the biggest conflict problem that would be a reason to prevent somebody, would lie actually in the appropriations committee process.

The last guideline is that the majority and minority leaders will not serve on substantive committees. There have been times when the minority leader has served on the committees to round out the balance and that type of thing, but there is certainly no reason to do that when you have a 29-24 division.

Mr. President, ladies and gentlemen of the Senate, those were the guidelines that we followed the best we could. I think it's important that you have guidelines so everybody knows that the decisions are not arbitrary and that you have a course of action that you are following. I should mention that there were members of this body that did not reflect a wide variety of choices. On occasion, we would just see a single first choice or on the three- and two-day committees, a single first and a single second choice and sometimes we don't know what the preferences are so, in the future, we would hope that, for the benefit of the Committee on Committees, you do complete your choices across the board; it just makes it a little bit easier as you work with it.

Mr. President and fellow Senators, I think the structure of our committees is one that will serve the interest of the state of North Dakota. I think you will find that the committee structure does not lend itself to a whole lot of political bickering. I think it lends itself to a whole lot of good hard work by the members that have been assigned and have accepted these assignments. I hope that we can adopt this report and then when we come back to work and the committees meet on Wednesday following the Tuesday opening of the session that we will have a harmonious atmosphere and a good strong feeling of all the committee members to enjoy the work assignment that they have. Keep in mind that, during the interim, through the Legislative Council committee structure, you will have an opportunity

to get exposure on other committees. If you feel you want to have that exposure, be sure and make your preferences known. Of course, there will be half of us returning, we know now, for the next legislative session and for those people, again, if you want to move to a different committee, be sure you make those preferences known. Thank you.

POINT OF PERSONAL PRIVILEGE

SEN. HEIGAARD: Mr. President: I rise on a point of personal privilege.

Mr. President, members of the Senate, it has been a difficult job selecting the members for the committees. There are many people who are qualified to serve on many different committees and of course, there are Senators who wish to serve on certain committees and sometimes they are not able to get on those committees. I do appreciate the consideration and the support that the Democrat caucus has given the Committee on Committees in their selection of committee members.

I understand fully that there are guidelines that we have to have for the selection of committees. And, by and large, I do not have any objection to any of those guidelines. We do, as the majority leader said, have an objection to the guideline which prohibits the state employees from serving on the appropriations committee. However, they are guidelines and they are guidelines that we have abided by.

Finally, I want to express my appreciation to the majority party for allowing the will of the minority to be heard. We selected our people for our committees and overall, we were granted the privilege of having them serve on the committees. I, too, believe this is a good committee selection; I think it's a committee selection that will work well for the people of North Dakota.

MOTIONS

SEN. NETHING MOVED that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Senate Committee Rooms has met and examined potential meeting rooms and other rooms and makes the following recommendations:

4. Prepare a short orientation program for Senate employees which shall be carried on within the first ten days of each session.
5. Keep secure all records and papers belonging to the Senate. The Secretary shall report all missing bills, resolutions, and papers to the President. He shall have general supervision of all clerical duties appertaining to the business of the Senate. He shall perform under the direction of the President all duties pertaining to the office, and shall also keep a book showing the situation and progress of all the bills, memorials, and resolutions, including a complete record of all actions taken thereon. He shall prepare and present to the Legislative Council such information as is necessary for the preparation of the daily calendar to reflect the action taken and pending on all measures, and shall provide for the distribution of the completed calendars.
6. Make available identification badges for all members of the Senate and employees thereof as soon as such persons have been determined.
7. Ensure that all material which is to be distributed to the members' desks other than that which is personally addressed shall first be submitted to the Secretary, who shall supervise its distribution. No material shall be distributed unless it clearly identifies the party requesting the distribution. The Secretary shall have all properly identified material distributed or submit the same to the Senate majority and Senate minority leaders for their instructions.
8. Request from the Secretary of State a list of all currently registered lobbyists, and have a copy of that list printed in the journal on the thirty-fifth legislative day.
9. At the close of each session, deposit for safekeeping in the office of the Secretary of State, all books, bills, documents, resolutions, and papers in the possession of the Senate, correctly labeled, folded, and classified. The journal need not be deposited until it is completed.
10. Perform such other duties as shall be assigned by the President of the Senate.

SECTION 2. AMENDMENT. Senate Rule 204 is hereby amended to read as follows:

204. PREPARATION AND DISTRIBUTION OF THE JOURNAL

1. The Secretary shall each evening deliver to the printer having the contract for printing the legislative journals a complete copy of the Senate journal.
2. Printed copies of the same in such number, style, and on such grade of paper as may be determined by the Legislative Council shall be delivered before 9:00 a.m. of the following calendar day to the Secretary, who shall cause a copy of the same to be placed immediately on the desk of each member.
3. The Committee on Revision and Correction of the Journal shall before the Senate goes into session again, carefully examine and review the journal of the previous legislative day. Any errors or omissions shall be noted by the committee and reported to the Senate for action.
4. An additional two hundred ~~fifty~~ sixty-seven copies of the corrected daily journal shall be printed and, upon termination of the legislative session, these two hundred ~~fifty~~ sixty-seven copies of the corrected daily journal shall be assembled into two hundred ~~fifty~~ sixty-seven sets to serve as the permanent journals.
5. ~~Twenty-five~~ Forty-two sets of the permanent journals shall be bound ~~and sewed with~~ in hard covers, two sets of which shall be deposited and filed with the Secretary of State, who shall preserve the same and attach ~~his~~ the Secretary of State's certificate thereto showing the date of delivery and attesting that such copies are identical and official journals as delivered to ~~him~~ the Secretary of State. The Secretary of State shall forward one each of ~~the~~ twenty-five ~~these~~ forty-two sets of the permanent journals to the Supreme Court Library, Law School Library at the University of North Dakota, Attorney General, Legislative Council, and each of the district judges.
6. The remaining sets of the journal shall be distributed by the Secretary of State as prescribed by the Legislative Council, except that one set of the journal shall be sent to members of the Legislative Assembly, and to public officials upon their request if in the discretion of the Secretary of State the public official needs such journals to carry on the functions of his office.

SECTION 3. AMENDMENT. Senate Rule 205 is hereby amended to read as follows:

205. DUTIES OF THE SERGEANT-AT-ARMS

1. The Sergeant-at-Arms of the Senate, under the direction of the presiding officer, shall be the executive officer of the body for the enforcement of all rules adopted by the Senate for the regulation of the Senate.
2. The Senate floor shall be under his immediate supervision, and he shall see that the Deputy Sergeant-at-Arms and the Assistant Sergeants-at-Arms perform the duties to which they are especially assigned, and he shall perform all other services and duties pertaining to his office and as directed by the President of the Senate.
3. The Sergeant-at-Arms shall clear the floor of the Senate chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, and members of the press, during the time period commencing fifteen minutes before the Senate convenes on any legislative day until the Senate recesses for that calendar day.
4. The Sergeant-at-Arms shall also act as the supply clerk for the Senate, and shall be responsible for ordering and distributing supplies and stationery needed by senators and Senate employees. The Sergeant-at-Arms may maintain a supply room, if space is available, and shall have sole control over such supply room, provided that such supply room may be operated jointly in cooperation with the House Sergeant-at-Arms.

SECTION 4. AMENDMENT. Senate Rule 302 is hereby amended to read as follows:

302. PRESENTATION OF PETITIONS AND COMMUNICATIONS

Petitions and communications addressed to the Senate or to the President shall be presented by the President under the fourth order of business, but petitions and communications other than official communications from the executive and judicial branches of state government shall not be printed in the journal except on motion of the Senate.

SECTION 5. Senate Rule 310.1 is hereby created to read as follows:

310.1. QUESTIONS OF PERSONAL PRIVILEGE

A member raising a question of personal privilege must confine any remarks to those which concern the member personally, and when speaking under a personal privilege, a member has no right to chastise any other member.

SECTION 6. Senate Rule 312.1 is hereby created to read as follows:

312.1. PREVIOUS QUESTION

If a motion calling for the previous question, or any other motion to end debate, carries, the question must be put immediately, and no member may speak except on a request for information or on a parliamentary inquiry. A member may not move the previous question if that member is debating the issue before the Senate.

SECTION 7. AMENDMENT. Senate Rule 315 is hereby amended to read as follows:

315. VOTES REQUIRED FOR CERTAIN QUESTIONS

1. The following questions require a majority vote of the members of the Senate present and voting:
 - a. Adoption of amendments, as provided in Senate Rule 601.
 - b. Reconsideration of the adoption of an amendment, as provided in Senate Rule 341.
 - c. Order to a chairman to report a measure back from committee, as provided in Senate Rule 508.
 - e- d. Action, other than referrals or rereferrals to Appropriations Committee on certain measures, as authorized in Senate Rule 326.
 - d- e. To have President refuse to sign any bill which the House refuses to return, as provided in Senate Rule 343.
 - e- f. Adoption of propositions of a divided question, as provided in Senate Rule 316.
 - g. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the Senate:
 - a. Passage of bills, as provided in Section 39, Article IV, of the Constitution and Senate Rule 333.
 - b. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 333.
 - c. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 45, Article IV, of the Constitution.

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- d. To constitute a quorum, as provided in Senate Rule 103.
 - e. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.
 - f. Election of certain Senate employees, as provided in Senate Rule 206.
 - g. Reconsideration of questions other than adoption of amendments if before end of next legislative day, as provided in Senate Rule 341.
3. The following questions require a two-thirds vote of the members of the Senate present and voting which two-thirds shall in no event constitute fewer than a majority of the members-elect of the Senate:
 - a. Emergency clauses, as provided in Section 41, Article IV, of the Constitution.
 - b. Introduction of bills after deadline, as provided in Senate Rule 402.
 - c. Previous question.
 - d. Return of measures to other house after action taken, as provided in Joint Rule 204.
 4. The following questions require a two-thirds vote of the members-elect of the Senate:
 - 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 Senate Rule 333.
 - b. Reconsideration after clincher motion, as provided in Senate Rule 342.
 - c. Reconsideration after next legislative day, as provided in Senate Rule 341.
 - d. Second reading same day as report, as provided in Senate Rule 332.
 - e. Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
 - f. Suspension of rules, as provided in Senate Rule 321.

- g. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.

SECTION 8. AMENDMENT. Senate Rule 316 is hereby amended to read as follows:

316. DIVISION OF QUESTION

1. If a question before the Senate contains more than one proposition, any member if supported by five other members may have the same divided, except there shall be no division of the question on the adoption of a conference committee report or on the second reading and final passage of a bill or resolution resulting from the adoption of a conference committee report.
2. A request to divide the question on passage of a measure has the same effect as proposing an amendment. Each proposition requires a majority vote of the members present for adoption.

SECTION 9. AMENDMENT. Senate Rule 317 is hereby amended to read as follows:

317. AYE AND NAY VOTE

Except as required by the Constitution or these rules, the ayes and nays shall not be ordered unless demanded by ~~one-sixth of the members present~~ any member if supported by five other members. No person shall remain by the Secretary's desk when the ayes and nays are being called. When the ayes and nays are ordered pursuant to this rule, the results will be printed in the journal in their entirety.

SECTION 10. AMENDMENT. Senate Rule 319 is hereby amended to read as follows:

319. PROCEDURE IN EXCUSING MEMBER FROM VOTING

When a member asks to be excused, or declines to vote, he the member shall be required to state his or her reasons. The presiding officer shall then submit Upon motion, the question shall be put to the Senate, "Shall the member, for the reasons stated by him, be ~~excused from voting~~ permitted to vote?" which shall be decided without debate. These proceedings shall occur prior to the taking of the vote.

SECTION 11. AMENDMENT. Senate Rule 322 is hereby amended to read as follows:

322. READING OF BILLS AND RESOLUTIONS

Every bill requiring the approval of the Governor, and every resolution proposing a change in the Constitution of the

State of North Dakota, or ratifying an amendment to the Constitution of the United States, shall be read two separate times, but the first reading and second reading may not be on the same day, and the first reading may be by title only; unless on first reading a reading at length is demanded. The second reading shall be at length.

SECTION 12. AMENDMENT. Senate Rule 330 is hereby amended to read as follows:

330. ENGROSSMENT

All Senate bills amended in committee or by floor amendment shall be properly engrossed before their second reading and final passage. After the thirty-second legislative day, all Senate bills shall be deemed properly engrossed upon adoption of amendments. Any House bill amended in the Senate may, prior to second reading, be engrossed upon motion of the Senate or on request of a leader. After the fifty-fifth legislative day, all measures shall be deemed properly engrossed upon adoption of amendments. The Committee on Engrossment shall examine all bills after they are engrossed and report the same to the Senate correctly engrossed, which report must be approved before their second reading. The committee may report at any time.

SECTION 13. Senate Rule 332.1 is hereby created to read as follows:

332.1. DISPOSITION OF MEASURES AFTER FIFTY-FIFTH LEGISLATIVE DAY

After the fifty-fifth legislative day, all bills and resolutions received from the House for concurrence which have previously passed the Senate shall immediately be placed on the calendar for second reading and final passage.

SECTION 14. AMENDMENT. Senate Rule 341 is hereby amended to read as follows:

341. MOTION FOR RECONSIDERATION

1. Any member who votes may move for reconsideration of a question if any of the following apply:
 - a. The member voted on the prevailing side of a the question, ("prevailing side of a the question" shall be that side which voted "aye" on a question that passed, and "nay" on a question that failed) or who;
 - b. The member did not vote on the question; or who

- c. The member voted on a the question on which and the ayes and nays were not recorded, may move a reconsideration of the question, which.
2. A motion to reconsider shall be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment shall be decided by a majority vote of the members present.
3. In case of a bill, resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day, shall require a two-thirds vote of the members-elect.
4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day.
5. No motion to reconsider may be made unless the matter is in possession of the Senate.

SECTION 15. AMENDMENT. Subsection 1 of Senate Rule 402 is hereby amended to read as follows:

1. No bill shall be introduced after the fifteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the tenth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the eighteenth legislative day, except upon the approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the Senate.

SECTION 16. AMENDMENT. Senate Rule 601 is hereby amended to read as follows:

601. REPORT OF COMMITTEES

1. The report of a committee shall be that the bill or resolution: do pass; do not pass; be amended and then do pass; be amended and then do not pass; or be placed on the calendar without recommendation.
2. a. If the committee report is for passage with amendment or for amendment and do not pass, the proposed amendment shall be placed on the calendar for the next legislative day on the sixth order of business.
- b. No action shall 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 shall 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 f.
 - d. If the amendment is rejected, the measure without amendment shall 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 f.
 - e. If the committee report recommends that the measure pass, do not pass, or makes no recommendation, the measure shall 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 f.
 - f. After the thirty-second legislative day all Senate bills, and after the fifty-fifth legislative day all measures, shall be placed on the calendar for second reading and final passage immediately after action is taken on the amendment.
3. If the committee report is divided as provided in Rule 602, and one report is for amendment with the other that the bill do not pass, the reports shall be placed on the calendar for the next legislative day on the seventh order of business. The President shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If a "do not pass" report is adopted under this subsection, it shall cause the measure to be placed on the calendar on the eleventh or fourteenth order of business.
 4. During the fifth order of business, the Secretary 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.
 5. When a measure is on the calendar on the tenth, eleventh, or fourteenth order of business, the Secretary shall again announce the committee recommendation concerning that measure-

- 6- If the committee report is divided pursuant to Rule 602, the Secretary shall announce the majority report and the minority report, or reports, as well.
- 7- 6. The Secretary shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 17. AMENDMENT. Subsection 5 of Joint Rule 301 is hereby amended to read as follows:

5. Conference committees appointed pursuant to this rule shall confine their conferences and recommendations to consideration of the stated difference general differences which gave rise to the appointment of the committees, and in no event shall a conference committee submit a divided report.

SECTION 18. AMENDMENT. Joint Rule 604 is hereby amended to read as follows:

604. PRINTING AND DISTRIBUTION OF BILLS, RESOLUTIONS, AND JOURNALS

1. Eight hundred copies of each bill, and five hundred copies of each resolution shall be printed, unless the house of introduction orders a greater or lesser number to be printed.
2. Bill room employees, under the supervision of the Chief Clerk or the Secretary of the Senate, as the case may be, may, as time and physical space allow, set aside not more than five copies of each bill or resolution, or specified bills and resolutions, to be delivered to certain specified persons.
3. Persons on an approved list to receive bills as of the first day of the regular session shall have priority for receiving bills and resolutions pursuant to this rule.
4. This rule shall not apply to the staff of the Legislative Council which may have such number of bills set aside as are necessary to aid it in carrying on legislative business.
5. Bill room employees shall not distribute more than five bills to any one person, except to legislators, legislative employees, and members of the Legislative Council staff.
6. The journals of the Senate and House shall be printed as provided in Senate Rule 204 and House Rule 204 and bill room employees shall distribute copies of daily journals.

SECTION 19. Joint Rule 702 is hereby created to read as follows:

702. BREAK AFTER CROSSOVER. The Monday and Tuesday following crossover day for bills are not to be counted as legislative days unless either house is in session on one or both of those days.

SECTION 20. REPEAL. Joint Rule 602 is hereby repealed.

MOTIONS

SEN. STREIBEL MOVED that the report be adopted.

SEN. MAIXNER MOVED the following amendments to the Report of the Senate Procedural Committee on Rules:

316. DIVISION OF QUESTION

On page 7, line 13, delete the words "if supported by five other members"

On page 7, delete lines 19 through 22 and insert in lieu thereof the following:

"2. A request to divide the question on final passage of a measure creates separate and distinct propositions which are treated and voted upon as though they were introduced in that form."

And renumber the lines and pages accordingly

SEN. MAIXNER MOVED that the amendments be adopted.

REQUEST

SEN. HEIGAARD REQUESTED a recorded roll call vote on the motion to adopt the amendment, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendment to the Senate rules, the roll was called and there were 23 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland;

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kilander; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Kelly; Meyer, W.; Peterson

So the amendments lost.

MOTION

SEN. NETHING MOVED the following amendment to the Senate rules.

PROPOSED CREATION OF SENATE RULE 323.1

SECTION 1. Senate Rule 323.1 is hereby created to read as follows:

323.1. RESOLUTIONS DURING SPECIAL SESSIONS

During special sessions of the Legislative Assembly called by the Governor pursuant to Section 5 of Article V of the Constitution, the Senate may consider any resolution or concurrent resolution which is on a subject having a major impact on the economic well-being of the state without referring the measure to a committee, and the Senate may take final action on the measure on the same legislative day as the day the measure is introduced.

MOTIONS

SEN. NETHING MOVED that the amendments be adopted, which motion prevailed.

SEN. NETHING MOVED the following amendments to the Senate rules.

SECTION 1. AMENDMENT. Senate Rule 501 is hereby amended to read as follows:

501. STANDING COMMITTEES

1. The Senate shall elect a Committee on Committees consisting of eight members. The Majority Leader, by virtue of his office, shall be a member of the committee and shall serve as its chairman. The committee shall appoint the following standing committees classified in accordance with the usual amount of work and concerned with matters in the fields as indicated:

- a. Appropriations: (14 members)

All bills calling for appropriations in excess of five thousand dollars. All bills and resolutions proposing a change in the audit or fiscal procedures of state agencies or institutions.

Group A-1

- b. Education: (7 members)

Public Schools; Libraries; and Institutions of Higher Learning.

- c. Finance and Taxation: (8 7 members)

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Public Debt; Taxes, and Tax Laws.

- d. Judiciary: (7 8 members)

Elections and Election Privileges; Judiciary.

- e. Industry, Business, and Labor: (8 7 members)

Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

- f. State and Federal Government: (7 8 members)

State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.

Group A-2

- g. Agriculture: (7 8 members)

Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.

- h. Natural Resources: (8 7 members)

Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.

- i. Political Subdivisions: (7 8 members)

Cities; Counties; Townships; Park Districts; Apportionment.

- j. Social Services and Veterans Affairs: (8 7 members)

Social Services; Public Health; Public Safety; Temperance; Matters affecting the Military and Veterans.

- k. Transportation: (7 members)

Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

PROCEDURAL COMMITTEES

- l. Delayed Bills, to consist of five members.

- m. Employment, to consist of five members.

- n. Enrolled and Engrossed Bills, to consist of five members.
 - o. Revision and Correction of Journal, to consist of three members.
 - p. Rules to consist of nine members.
2. When an executive nomination is received, the Committee on Committees shall appoint a select committee to consider it. Each such committee shall meet and consider the nominee forthwith, and shall report its recommendations to the Senate.

MOTIONS

SEN. NETHING MOVED that the amendments be adopted, which motion prevailed.

SEN. STREIBEL MOVED that the procedural committee report on Senate rules be adopted, which motion prevailed.

MOTION

SEN. NETHING MOVED that the Senate Organizational and Orientation Session adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

JOURNAL OF THE SENATE

SPECIAL SESSION OF THE FORTY-NINTH LEGISLATIVE ASSEMBLY

December 6, 1984

At the hour of 10:00 a.m., being the day and hour appointed by the Governor of the State of North Dakota, the Special Session of the Forty-ninth Legislative Assembly convened, pursuant to the following Executive Order 1984 - 12, issued by Governor Allen I. Olson on December 5, 1984, which was read by Leo Leidholm, Secretary of the Forty-ninth Legislative Assembly, President Ernest M. Sands presiding.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
Executive Office
Bismarck

EXECUTIVE ORDER 1984 - 12

Pursuant to the authority granted to me by Article V, Section 5 of the North Dakota Constitution, I hereby convene the North Dakota Legislative Assembly into special session on Thursday, December 6, 1984, at 10:00 a.m. The purpose of this special session is to consider the recommendations of the Garrison Diversion Unit Commission.

Executed at Bismarck, North Dakota, this 5th day of December, 1984.

ALLEN I. OLSON
Governor

ATTEST:

Ben Meier
Secretary of State

MOTION

SEN. NOTHING MOVED that all of the Senators who are present and have heard the call of the Governor indicate on a recorded roll call vote that they accept the notice that is given to them, which motion prevailed.

ROLL CALL

The question being on the motion to accept the notice of the executive order of the Governor pertaining to the Special Session, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David;
Dotzenrod; Freborg; Heigaard; Heinrich; Hilken;
Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler;

Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelly; Peterson

So the motion carried.

The prayer was offered by Senator Don Moore.

Shall we pray. Dear Father, we thank You that You have placed us in an environment where we may gather together as elected representatives of the people to serve the needs of we, Your children. We thank You very much for the many things that You have granted to us. On this day of our particular Special Session we thank Thee very dearly for the gift of water which You have given to us. We thank You also that You have granted to us the skills to manipulate and to use these resources which You have given to us. We ask You to give us Your divine guidance as we determine not only this body, but other bodies of government as how this particular resource and how the tools of using this resource that You have given us, that we might best use them as You would so please and You would desire that we make use of that facility. We thank You again dear Lord, Amen.

ROLL CALL

The roll was called and all members were present except Senators Kelly and Peterson.

A quorum was declared by the President.

SEN. NELSON MOVED that the absent Senators be excused, which motion prevailed.

MOTION

SEN. NETHING MOVED that the rules of the Forty-ninth Legislative Assembly be adopted as the rules of this Special Session, which motion prevailed.

MOTION

SEN. NETHING MOVED that a committee of three be appointed to notify the Governor and the House that the Senate is organized and ready to transact business for the Special Session, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Adams, Freborg, and Kelsh.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCMR 1, HCR 3012

ROY GILBREATH, Chief Clerk

MOTION

SEN. NOTHING MOVED that the Senate be on the Thirteenth order of business, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT MEMORIAL RESOLUTION

HCMR 1: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to University of North Dakota President Thomas J. Clifford upon the death of his wife, Florence Schmidt Clifford.

Was read the first time.

MOTION

SEN. NOTHING MOVED that the rules be suspended, that HCMR 1 not be printed, not be referred to a committee, but be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT MEMORIAL RESOLUTION

HCMR 1: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to University of North Dakota President Thomas J. Clifford upon the death of his wife, Florence Schmidt Clifford.

Was read the second time.

The question being on the motion to adopt HCMR 1.

HCMR 1 was adopted on a voice vote.

SEN. ADAMS ANNOUNCED that the committee appointed to notify the Governor and the House that the Senate is organized and ready to transact business for the Special Session, has completed its task and requested that the committee be discharged, which request was granted.

The committee from the House was received and informed the Senate that the House is organized and ready to transact business.

MOTION

SEN. NOTHING MOVED that the Senate be on the Thirteenth order of business, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution advising the Garrison Diversion Unit Commission of the Legislative Assembly's position on plans for the Garrison Diversion Project now being considered by the Commission.
Was read the first time.

MOTION

SEN. NETHING MOVED that the rules be suspended, that HCR 3012 not be printed, not be referred to a committee, but be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution advising the Garrison Diversion Unit Commission of the Legislative Assembly's position on plans for the Garrison Diversion Project now being considered by the Commission.

Was read the second time.

SEN. NETHING MOVED that the resolution be adopted.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt HCR 3012, which request was granted.

ROLL CALL

The question being on the motion to adopt HCR 3012, the roll was called and there were 51 YEAS, 0 NAYS, and 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelly; Peterson

HCR 3012 was declared adopted.

MOTION

SEN. NETHING MOVED that HCR 3012 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCMR 1, HCR 3012

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HCMR 1, HCR 3012

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HCMR 1, HCR 3012

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HCMR 1, HCR 3012

LEO LEIDHOLM, Secretary

SEN. NOTHING MOVED that a committee of three be appointed to notify the Governor and the House that the Senate has completed its business for the Special Session and is about to adjourn sine die, which motion prevailed. The President appointed as such committee, Senators Olson, Tweten, and Dotzenrod.

SEN. OLSON ANNOUNCED that the committee appointed to notify the Governor and the House that the Senate has completed its business for the Special Session and is about to adjourn sine die, has completed its task, and requested that the committee be discharged, which request was granted.

The committee from the House was received and informed the Senate that the House had completed its business for the Special Session and is ready to adjourn sine die.

RECOGNITION OF LIEUTENANT GOVERNOR ERNEST M. SANDS

SEN. NETHING: As you all know, the President of the Senate is not going to come back to preside so it seemed to me to be an appropriate time, at the end of his presiding over a Special Session of the Legislature which several Lieutenant Governors have not had the opportunity to do, that I would like to say to you, thank you.

A lot of people probably wouldn't care, but I think I would like to point out to you that the Lieutenant Governor at one time was the vice chairman of the Political Subdivisions Committee, and I was serving as chairman of that committee. He's had a lot of fun joking about it not being any change, but Mr. President, there has been a change. For those of you, and you heard me refer earlier to the Committee on Committees and the recommendations, the President, (was vice chairman at the time,) and I had a conversation. He said, how in the world can I ever get ahead if I don't get to be chairman of the committee one of these years. Well, one of the first committees that I had an opportunity to make recommendations to appoint, why, the President became chairman of Political Subdivisions and from that time on, things have been going quite well.

Mr. President, you have been very fair to all of us as you presided. I think it's only appropriate that the Senate and the public know that I can't remember a time when you and I ever had to sit down and plan strategy, because that wasn't the way we like to do things. What you saw us do was here on the floor, and I think that's the way it should be and I felt very good about that.

We don't know what you might choose to do when you leave office. We hope that you will choose to come back and see us and that you will feel free to visit with all of us, offer your suggestions, and keep in mind that uppermost in every legislator's mind is the citizen's viewpoint and we want you to know. So at this time, I yield to Senator Parker.

SEN. PARKER: It's hard to really say anything, Ernie, I may go away from protocol and call you Ernie here. I guess if you wouldn't be sitting up there, I wouldn't be sitting down here.

Four years ago, when you took the position of Lieutenant Governor, it left a vacancy in District 7 and Ernie was the one who, I believe, I don't agree with you, Dave; there was some manipulation. Ernie decided that I was going to be the Senate candidate from District 7 and a few others told me about it. Ernie served District 7 very well. He had the greatest respect from all the communities that make up District 7. We respected him highly in the community of

Rugby, I believe he started his business working with C and G out of Rugby.

I can't help but get a little emotional, because I kind of use Ernie, what I thought was an example, of how a politician should be. We're going to miss you. I can't help but think, in closing, I believe it was Grantland Rice, who one time made the quote: "For when that One Great Scorer comes to mark against your name, he marks--not that you won or lost--but how you played the game." Ernie, as long as I've known you, or known about you, you always played the game square. You served your country, you served your community, you served your state with nothing but the highest respect and when that day comes, your score is going to be high. Thank you for what you've done for the state of North Dakota.

LIEUTENANT GOVERNOR ERNEST M. SANDS: Thank you, thank you very very much.

As I end my public service career, I can't help but think back to when I started. I started out as a vice president at the League of Cities under Herschel Lashkowitz, and we had a very good relationship. When I came to the North Dakota Senate here, Senator Rollie Redlin was our United States Congressman, Senator Berube, Senator Lips, Senator Wenstrom, Senator Mutch, and Senator Earl Kelly are the only ones that were here at that time. And then came Dave Nothing and myself in the largest class of freshman Senators I think there ever was, twenty-six members. If we'd have known anything we could have elected Dave the majority leader at that time. But we did do one thing and we did it right, we hired Leo Leidholm as our Secretary of the Senate, and that was a real accomplishment.

I just want to say to you that the people I have met in this North Dakota Senate, in all these years, are the greatest people that I have met in the state of North Dakota. I enjoyed being a Senator, I enjoyed being a Senator much more than I ever enjoyed sitting up here, I'll tell you that. I really enjoyed being a Senator, I think it's the greatest opportunity I ever had in my life, and I say to you it's the greatest opportunity that you will ever have in your life. Enjoy it and prepare yourself so when you reach this stage and you leave here, you will leave here with the feeling that you have accomplished something. You know, politics is a very, very small part of this game. The majority of you have been here for the good of the people and for the good of the state of North Dakota and I know that you will do the same and you will really enjoy it.

I want to express my appreciation and my thanks for the kindness and the support that you have given me while I've

been up here. With that I'll say Amen and God bless you all.

SEN. NETHING MOVED that the Senate adjourn from the Special Session sine die, which motion prevailed.

LEO LEIDHOLM, Secretary