

Third Day of
Legislative Organizational Session

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, December 8, 1988

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

The prayer was offered by Rev. Forrest Erickson, Pastor, Grace Lutheran Brethren Church, Bismarck, North Dakota.

Our Father, we thank You for the opportunity of beginning this day by coming before You in prayer. We praise You for the night of rest and a new day in which to accomplish the various tasks set before us. I ask that You will grant guidance to our lawmakers as they prepare to address the issues and needs that pertain to our state. Give them hearts that are sensitive to Your will so that their decisions will reflect true righteousness and justice. Grant them good health, also, that they may carry on to completion the work that is to be set before them. Lord, we know that in some cases, our lawmakers will be separated for a time from family and friends. We ask that You will minister to the needs of all concerned during these upcoming months.

Father, we are also mindful today of the freedoms we enjoy in our land; the freedom to govern ourselves by leaders we freely choose; the freedom to come and go as we wish, the freedom to worship as we please, and many other liberties not enjoyed by everyone in our world. May we not become prideful or careless, but always remember that our freedom was won at great cost by men and women willing to give their lives to obtain it.

Now, Father, we commit this day to You, asking for Your grace and strength. In Jesus name we pray. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senator Nething.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Senate and Joint Rules (Sen. Maixner, Chairman), appointed to recommend legislative rules, has had the same under consideration and recommends that the Senate and Joint Rules of the Fiftieth Legislative Assembly, as adopted on Wednesday, January 14, 1987, with the following new rules and amendments, be adopted as the permanent rules of the Senate for the Fifty-first Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Subsection 5 of Senate Rule 203 is hereby amended to read as follows:

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~~ The Secretary shall have general supervision of

all clerical duties appertaining to the business of the Senate. ~~He~~ The Secretary shall perform under the direction of the President all duties pertaining to the office, and shall also keep a book record showing the situation and progress actions taken on and status of all the bills, memorials, and resolutions, including a complete record of all actions taken thereon. ~~He.~~ The Secretary 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.

SECTION 2. AMENDMENT. Subsection 3 of Senate Rule 205 is hereby amended to read as follows:

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~~ properly identified representatives of the press media, during the time period commencing thirty minutes before the Senate convenes on any legislative day until the Senate recesses for that calendar day.

SECTION 3. Joint Rule 802 is hereby created to read as follows:

802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA.

The Legislative Council may provide identification badges for individuals identified as representatives of the media by the North Dakota Newspaper Association and the North Dakota Broadcasters Association before a regular session or by the statehouse correspondent of the Associated Press during a legislative session. The statehouse correspondent of the Associated Press shall distribute the badges to the appropriate individuals for use during the session to obtain access to the floor of the chamber as permitted by the Senate and House. The statehouse correspondent of the Associated Press shall notify the President of the Senate and the Speaker of the House with respect to identification badges issued during the session.

SECTION 4. Senate Rule 312.2 is hereby created to read as follows:

312.2. DISPOSITION OF QUESTION LAID ON THE TABLE

A question laid on the table is deemed finally disposed of whenever a motion to adjourn without fixing a time for reconvening is approved.

SECTION 5. AMENDMENT. Senate Rule 334 is hereby amended to read as follows:

334. RECORDED ROLL CALL VOTES

No ~~Except as provided in Rule 312.2, no~~ action by the Senate which may result in final disposition of a bill, or resolution proposing a constitutional amendment, shall be taken except by a recorded roll call vote, and the vote of each member, and, when appropriate, the vote of the Lieutenant Governor or a record of his absence or failure to vote, shall be recorded in the journal. As used in this rule, "final disposition" includes any procedure which, barring reconsideration, results in the Senate being unable to give further consideration during that legislative session to the particular measure which was under consideration.

SECTION 6. AMENDMENT. Subsection 1 of Senate Rule 315 is hereby amended to read as follows:

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.
 - d. Action, other than referrals or rereferrals to Appropriations Committee on certain measures, as authorized in Senate Rule 326.
 - e. To have President refuse to sign any bill ~~which~~ the House refuses to return, as provided in Senate Rule 343.
 - f. Adoption of propositions of a divided question, as provided in Senate Rule 316.
 - g. Adoption of conference committee reports, as provided in Senate Rule 605.
 - h. Any question for which another vote is not required by the Constitution or another rule.

SECTION 7. AMENDMENT. Senate Rule 605 is hereby amended to read as follows:

605. CONFERENCE COMMITTEE REPORTS, EXCEPTION TO SENATE RULES 601 AND 332

The provisions of Senate Rules 601 and 332 shall not prohibit the reading of a conference committee report and adoption or rejection of any recommended amendments, nor the placing of any bill or resolution affected by ~~such~~ the conference committee report on the calendar for final action on the same day the conference committee report is received by a majority vote of the members present.

SECTION 8. AMENDMENT. Senate Rule 325 is hereby amended to read as follows:

325. REFERENCE TO BILLS IN JOURNAL

All references in the journal to Senate and House bills shall be by number only, except that on first and second readings such references shall be by number and ~~short~~ title.

SECTION 9. AMENDMENT. Subsection 1 of Senate Rule 402 is hereby amended to read as follows:

1. No bill shall be introduced after the ~~fifteenth~~ fourteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the ~~tenth~~ ninth 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 10. AMENDMENT. Subsections 2, 3, and 7 of Senate Rule 404 are hereby amended to read as follows:

2. Each bill and resolution shall have typed on it the name of the member, or members, but no more than five from the Senate, nor more than three from each house on jointly sponsored bills or resolutions, or committee introducing the same.
3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY ~~OF THE STATE~~ OF NORTH DAKOTA".
7. The Secretary shall, after compliance with this rule and after first reading, distribute the copies of a bill or resolution received as follows: The original shall be delivered to the chairman of the committee to which the measure is referred; one copy shall be delivered to the President of the Senate; three copies shall be delivered to the Legislative Council; one copy shall remain in the custody of the Secretary until otherwise directed by the Senate; ~~one copy two copies~~ shall, except in the case of bills or resolutions printed on order of the Legislative Council pursuant to Senate Rule 406, be delivered to the printer having the contract for the printing of bills; three copies shall be available for representatives of news media; and one copy shall be given to the prime sponsor. Any statewide organization or association may be provided a copy of each introduced bill or resolution for the payment of a subscription fee established by the ~~director of the legislative Council for the 1983 session and~~ by the Legislative Procedure and Arrangements Committee ~~for subsequent legislative sessions~~. Orders and payments for such bills or resolutions must be placed with the Legislative Council prior to January third for the 1983 session and prior to December fifteenth for subsequent sessions preceding the regular session.

SECTION 11. AMENDMENT. Senate Rule 408 is hereby amended to read as follows:

408. CONSTITUTIONAL AMENDMENTS - STATEMENT OF INTENT

Every resolution proposing a change in the Constitution of North Dakota shall contain a statement setting forth in clear and precise language the legislative purpose and intent of the proposed change, ~~the~~. The statement shall ~~fairly~~ clearly represent the substance and effect of the proposed change.

SECTION 12. AMENDMENT. Senate Rule 506 is hereby amended to read as follows:

506. NOTICE OF HEARINGS

On Wednesday of each week, with respect to the committees ~~which~~ that meet on Monday through Wednesday, and on Friday of each week, with respect to the Appropriations Committee and the committees ~~which that~~ that meet on Thursday and Friday, each chairman shall deliver to the Secretary a notice of the time and place of the meetings of ~~his~~ the chairman's committee for the following week, including a list of the bills and resolutions to be considered. This rule, however, shall not prevent a change in such schedule as to time, place, or

bill, if circumstances may so require. The decision of the chairman in this regard shall be final. The Secretary shall cause the same to be posted on the bulletin board.

SECTION 13. Joint Rule 209 is hereby created to read as follows:

209. RETURN OF VETOED BILLS WITH OBJECTIONS

When the Governor vetoes a bill that must be returned within three days, Sundays excepted, after presentation, the bill must be returned to the Secretary of the Senate if a Senate bill or to the Chief Clerk of the House of Representatives if a House bill, together with the objections to the bill. The Secretary of the Senate and Clerk of the House of Representatives may each designate an employee of the respective chamber for receipt of vetoed bills and objections. If the Secretary of the Senate or Chief Clerk of the House of Representatives or the designated legislative employee, as appropriate, is not available to receive the vetoed bill and objections, the director of the Legislative Council or a Legislative Council employee designated by the director may receive the vetoed bill and the objections as the representative of the appropriate house. As used in this rule, "within three days" means within three calendar days, Sundays excepted, after the day of presentation to the Governor.

SECTION 14. AMENDMENT. Subsection 2 of Joint Rule 301 is hereby amended to read as follows:

2. The committees so appointed shall meet within two legislative days of appointment at such hour and place as shall be agreed on by the chairmen; and the chairmen shall have the time and place of the meeting posted on the bulletin board prior to the meeting, or the chairmen shall announce the time and place of the meeting to their respective houses.

SECTION 15. Joint Rule 803 is hereby created to read as follows:

803. USE OF COMMITTEE ROOMS

During a legislative session, committee rooms under the jurisdiction of the Senate or House and hearing rooms under the jurisdiction of the Legislative Assembly may be used only for the functions and activities of the legislative branch, except as otherwise provided by this rule. A state agency may be granted permission by the Secretary of the Senate or Chief Clerk of the House, individually with respect to a room under the jurisdiction of the Senate or House, respectively, or jointly with respect to a room under the jurisdiction of the Legislative Assembly, to use a room at times and under conditions not interfering with the use of the room by the legislative branch.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Heigaard, Chairman) submits the following report as to the proposed chairmen, vice chairmen, and members of standing committees, and recommends that the reading of the report be dispensed with.

APPOINTMENT OF STANDING COMMITTEES
SENATE

Appropriation (9-5)

Tallackson, Chairman	Lips
Mushik, Vice Chairman	Thane
Redlin	Naaden
Shea	Streibel
Stromme	Nelson
Waldera	
Wogsland	
Yockim	
Ewen	

Finance and Taxation (5-3)

Satrom, Chairman	Ingstad
Richard, Vice Chairman	Moore
Dotzenrod	Tennefos
Maixner	
Robinson	

Judiciary (4-3)

J. Meyer, Chairman	Holmberg
Maxson, Vice Chairman	Stenehjem
Lashkowitz	Nalewaja
Hanson	

Industry, Business and Labor (4-3)

Langley, Chairman	Nething
Keller, Vice Chairman	Mutch
Krauter	Todd
Schoenwald	

Education (5-3)

Heinrich, Chairman	Freborg
O'Connell, Vice Chairman	Peterson
Hilken	Krebsbach
Mathern	
Kelsh	

State and Federal Government (4-3)

D. Meyer, Chairman	Lodoen
Kinnoin, Vice Chairman	David
W. Meyer	Vosper
Axtman	

Political Subdivisions (4-3)

Dotzenrod, Chairman	Holmberg
Robinson, Vice Chairman	Lodoen
Langley	Ingstad
Maxson	

Human Services and Veterans Affairs (4-3)

Kelsh, Chairman	Nalewaja
Mathern, Vice Chairman	Peterson
J. Meyer	Stenehjem
Heinrich	

Transportation (5-3)

Hilken, Chairman
Schoenwald, Vice Chairman
Lashkowitz
Satrom
Richard

Mutch
Tenefos
Nething

Agriculture (5-3)

W. Meyer, Chairman
Axtman, Vice Chairman
Keller
Hanson
Kinnoin

Vosper
Freborg
Krebsbach

Natural Resources (4-3)

Krauter, Chairman
Maixner, Vice Chairman
D. Meyer
O'Connell

Moore
Todd
David

Joint Constitutional Revision (3-2)

Stromme, Chairman
Redlin
Heinrich

Holmberg
Nalewaja

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Senate Committee Rooms (Sen. Mathern, Chairman), has met and recommends that the Senate utilize the same committee rooms as used during the Fiftieth Legislative Assembly.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural committee appointed to act as a Committee on Employment (Sen. Satrom, Chairman), recommends the following as employees of the Senate during the Fifty-first Legislative Assembly:

Session Employees

Perry Grotberg
Kathy Horsager
Loren Paul
Sandi Kershaw
Wanda Scheid
Janice Steinle
Craig Hagen
Lucy Miller
Diana Schlosser
Delano Huston

Assistant Secretary of the Senate
Bill Clerk
Deputy Sergeant-at-Arms
Secretary to Majority Leader
Assistant Secretary to Majority Leader
Secretary to Minority Leader
Assistant Secretary to Minority Leader
Chief Page and Bill Book Clerk
Page
Chief Bill and Journal Room Clerk

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the First Day of Organizational Session and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 6, line 31, replace "SEN. MAIXNER" with "SEN. VOSPER"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Second Day of Organizational Session and finds it to be correct.

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

POINT OF PERSONAL PRIVILEGE

SEN. NAA DEN: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, ladies and gentlemen of the Senate, as many of you know, the Braddock Bobcats Girls' Basketball team are the 1988 champions. Having won second place last year, Nadine Schmidt led her teammates, Shelley Moch, Carrie Eberhart, Clarice Bohlin, and Serna Moch to a last minute 60 to 59 victory over a very good team, the Marion-Montpelier squad.

Nadine Schmidt set three records in the final game by compiling a total of 102 points for the tournament, made 50 field goals and scoring 41 points in the championship game. Her total points for the tournament eclipsed another Emmons County girl, Laura Hummel of Hague, set several years ago.

The Bobcats, down by as much as 11 points with only minutes to go, played real pressure ball. When Clarice Bohlin, a 30% free throw shooter, walked to the line with less than a minute to play, canned two, and opened the door for Nadine to score two shots that saw nothing but "net" around the ball, bringing Braddock to a one point advantage. With six seconds to play, Nadine was again called on to stop her good friend, Barb Schmidt, of the Marion-Montpelier team and forced her to take an off-balance shot that was short, to end the game.

It was a thrilling game that ended a high school career for a very dedicated player. Nadine Schmidt, along with her teammate Shelley Moch, were named to the tournament team. Nadine was also named to the All State Class "B" team and it was all topped off by being named "Miss Basketball of 1988", representing both Class "A" and "B" players.

Much credit should also go the coach, Del Svalen, who has taken four girls' teams to the state tournament. For a high school that has all but two girls on the team, it runs long on talent.

I might be premature in my prediction, but I want you to watch the Braddock boys' team. They just won their first game Tuesday evening by beating the Linton Lions. So watch, it could be a clean sweep for the Bobcats from a high school of 26 students who, as I said before, is short in size, but long on talent.

Thank you ladies and gentlemen of the Senate.

MOTIONS

SEN. HEIGAARD MOVED that the absent member be excused, which motion prevailed.

OS DAY 3

THURSDAY, DECEMBER 8, 1988

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SEN. HEIGAARD MOVED the Senate adjourn and convene on Wednesday, January 4, 1989, at 12:00 noon, which motion prevailed.

PATRICIA CONRAD, Secretary