

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, December 3, 2008

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Daryl Thompson, Superintendent, Northern Plains District, Evangelical Free Church of America, Bismarck.

The roll was called and all members were present except Senators Bakke and Erbele.

A quorum was declared by the President.

REMARKS OF FORMER SECRETARY OF THE SENATE WILLIAM R. HORTON

While reflecting on the life of a friend who recently died, and on life in general and its few years, I've found it to be an endless road of bittersweet trials of contradictions, aspirations and expectations. It's as if we were born within a dream, a dream of hope and expectations of those who brought us into this world, and for better or worse, the reality of which somehow went beyond those hopes and dreams. And so, shall we also fade away within a dream. "As a flower, as a fire, as a hushed footfall in a long forgotten snow." In the first dream the accumulation of material things was to be so self-centered and arrogant. How is it now in the ebbing tide of life we see so clearly, for in that final dream we see the futility of what a fruitless endeavor it was not to get past ourselves, thinking we would somehow always be on some endless ride. It matters not who we are or what our beliefs may be, in that final dream the things of value will be, "that touch, that smile." For what greater possessions are there than "to forgive and be forgiven." Everything else is not only trivial, but meaningless. (Quotes from "Let it be Forgotten" by Sara Teasdale.)

MOTION

SEN. CHRISTMANN MOVED that the remarks of former Secretary of the Senate William R. Horton be printed in the Journal, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 9:10 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

ANNOUNCEMENT

SEN. CHRISTMANN ANNOUNCED that Jane Schaible has accepted a different position with the Senate, thereby leaving the position of Senate Journal Reporter vacant.

MOTION

SEN. STENEHJEM MOVED the nomination of Kyla Aull for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. DEVER MOVED that nominations cease and that a unanimous ballot be cast for Kyla Aull as Journal Reporter, which motion prevailed.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to the Journal Reporter.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Sixtieth Legislative Assembly, as adopted on Wednesday, December 6, 2006, and published in the 2007 Senate and House Rules and Committees book, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-first Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Senate Rule 312 is amended as follows:

312. MOTIONS DURING DEBATE. When a question is under debate, no motion may be received, except to fix the time to which to adjourn; to adjourn; to permit a member to vote; to lay on the table; to move the previous question; to close, limit, or extend debate (which ~~five~~ six kinds of motions must be decided without debate); to move to postpone to a day certain; to refer; and to amend. These motions have precedence in the order in which they are named. No motion to postpone to a day certain or to refer, having been decided, may be entertained again on the same day.

SECTION 2. AMENDMENT. Senate Rule 317 is amended as follows:

317. NONDEBATABLE MOTIONS. The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Reading of papers.
6. Withdrawal of motion.
7. Suspension of the rules.
8. ~~To lay~~ Lay on the table.
9. Previous question.
10. Close, limit, or extend debate.
11. Permit a member to vote.

SECTION 3. AMENDMENT. Senate Rule 321 is amended as follows:

321. Vote by members. Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the Senate, unless the Senate excuses the member. If the member has not voted before the key is closed, the member ~~may~~ shall vote before the vote is announced. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the Senate by that other member while in the chamber. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and may not vote thereon without the consent of the Senate. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

SECTION 4. AMENDMENT. Subsection 1 of Senate Rule 402 is amended as follows:

1. No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ~~ninth tenth~~ legislative day. No bill may be introduced after the ~~fourteenth~~ 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 a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the Senate present and voting.

SECTION 5. AMENDMENT. Subsection 1 of Joint Rule 203 is amended as follows:

1. A bill that has passed one house may not be sent to the other house for concurrence after the ~~thirty-third~~ thirty-fourth legislative day, except a bill approved for introduction after the deadline for introduction of bills.

SECTION 6. Joint Rule 210 is created as follows:

210. DELIVERY OF VETO MESSAGES. When the Governor vetoes a bill that cannot be returned to the house of origin because the legislative assembly is not in session, the objections to the bill must be filed with the Secretary of State and with the director of the Legislative Council or a Legislative Council employee designated by the director for purposes of publishing the objections in the journal of the house of origin and in the Session Laws.

SECTION 7. AMENDMENT. Joint Rule 802 is amended 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~~ determine the method for distribution of 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.

MOTION

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** recommends the following as chairmen, vice chairmen, and members of standing committees:

Appropriations Committee

Committee Chairman - Holmberg
Vice Chairman - Bowman
Vice Chairman - Grindberg
Christmann
Fischer
Kilzer
Krebsbach
Wardner

Krauter
Lindaas
Mathern
Robinson
Seymour
Warner

Education Committee

Committee Chairman - Freborg
Vice Chairman - G. Lee
Flakoll

Bakke
Taylor

Finance and Taxation Committee

Committee Chairman - Cook
Vice Chairman - Miller
Oehlke
Hogue

Anderson
Dotzenrod
Triplett

Human Services Committee

Committee Chairman - J. Lee
Vice Chairman - Erbele
Dever

Heckaman
Marcellais
Pomeroy

Industry, Business and Labor Committee

Committee Chairman - Klein
Vice Chairman - Wanzek
Andrist
Nodland

Behm
Horne
Potter

Judiciary Committee

Committee Chairman - Nething
Vice Chairman - Olafson
Lyson

Fiebiger
Nelson
Schneider

Agriculture Committee

Committee Chairman - Flakoll
Vice Chairman - Wanzek
Klein
Miller

Behm
Heckamen
Taylor

Government and Veterans Affairs Committee

Committee Chairman - Dever
Vice Chairman - Oehlke
Cook

Horne
Nelson

Natural Resources Committee

Committee Chairman - Lyson
 Vice Chairman - Hogue
 Erbele
 Freborg

Pomeroy
 Schneider
 Triplett

Political Subdivisions Committee

Committee Chairman - Andrist
 Vice Chairman - Olafson
 J. Lee

Anderson
 Bakke
 Dotzenrod

Transportation Committee

Committee Chairman - G. Lee
 Vice Chairman - Nodland
 Nething

Fiebiger
 Marcellais
 Potter

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Arrangements for Senate Committee Rooms (Sen. Christmann, Chairman)** recommends that the Senate use the same committee rooms as were used during the Sixtieth Legislative Session. The committee rooms are as follows:

<u>COMMITTEE</u>	<u>MEETING DAYS</u>	<u>ROOM</u>
Appropriations	MTWThF	Harvest
Education	MTW	Missouri River
Government and Veterans Affairs	ThF	Missouri River
Finance and Taxation	MTW	Lewis and Clark
Transportation	ThF	Lewis and Clark
Human Services	MTW	Red River
Political Subdivisions	ThF	Red River
Industry, Business and Labor	MTW	Roosevelt
Agriculture	ThF	Roosevelt
Judiciary	MTW	Fort Lincoln
Natural Resources	ThF	Fort Lincoln

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

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 9:55 a.m., at which time there will be a Joint Session in the House, and that the Senate will then stand adjourned until 12:00 p.m., Tuesday, January 6, 2009, which motion prevailed.

The Senate stood adjourned pursuant to Senator Christmann's motion.

Fran A. Gronberg, Secretary