

JOURNAL OF THE SENATE - SPECIAL SESSION

Sixty-second Legislative Assembly

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Bismarck, November 11, 2011

The Senate convened at 8:00 a.m., with President Wrigley presiding.

The prayer was offered by Chaplain Dan Sweeney, Bismarck Law Enforcement.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Nething, Chairman)** appointed to consider the nomination to North Dakota Gaming Commission, do advise and consent to the appointment of James Wang.

MOTION

SEN. NETHING MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of James Wang to North Dakota Gaming Commission," the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

The Senate advises and consents to the appointment of James Wang to North Dakota Gaming Commission.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1475: Joint Health Care Reform Committee (Sen. Klein, Co-Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (18 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1475 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1475: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1475 was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to provide for appropriations for certain medical services, health insurance, economic assistance, and information technology programs and systems; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Sitte

HB 1475 passed.

REPORT OF STANDING COMMITTEE

HB 1477, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1477 was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to amend and reenact section 15 of chapter 3 of the 2011 Session Laws, relating to authorization of the state board of higher education to issue revenue bonds; to provide legislative intent; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Larsen

Engrossed HB 1477 passed.

REPORT OF STANDING COMMITTEE

HB 1476, as engrossed: Joint Health Care Reform Committee (Sen. Klein, Co-Chairman) recommends **DO PASS** (17 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1476 was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to amend and reenact section 26.1-36-46 of the North Dakota Century Code, relating to the external review procedures for health insurance; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson;

Robinson; Schaible; Schneider; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Sitte

Engrossed HB 1476 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1475, HB 1476, HB 1477.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2371.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2371.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1475, HB 1476, HB 1477.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2371.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2371.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1475, HB 1476, HB 1477.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1475, HB 1476, HB 1477.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on November 11, 2011: SB 2371.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on November 11, 2011, I have signed the following: SB 2371.

MOTION

SEN. CHRISTMANN MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn which motion prevailed.

The President appointed as such committee: Sens.Kilzer, Nodland, and Murphy.

MOTION

SEN. CHRISTMANN MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about adjourn which motion prevailed. The President appointed Sens, Freborg, Miller, and Schneider.

REQUEST

SEN. KILZER REQUESTED requested that the committee appointed to notify the House that the Senate has completed its business and is about to adjourn be discharged, as it has completed its task, which request was granted.

REQUEST

SEN. FREBORG REQUESTED that the committee appointed to notify the Governor that the Senate has completed its business and is about to adjourn be discharged, as it had completed its task, which request was granted.

POINT OF PERSONAL PRIVILEGE

SEN. CHRISTMANN rose on a point of personal privilege.

REMARKS OF SENATOR CHRISTMANN

MR. PRESIDENT: Mr. President, after my years of service as Assistant Majority Leader I can assure you that there are few things more difficult than planning this special session. That is because of the uniqueness and complexity of what we are doing and the challenging time constraints that the public rightfully puts on us. This challenge was especially monumental for our Majority Leader who was chosen as leader only two months before the session. He has organized us in a way that allowed us to deliver our product in a timely manner and in an orderly fashion, and most importantly we have delivered a product that is good for the people of North Dakota. I commend our Majority Leader Rich Wardner on a job well done.

REQUEST

SEN. CHRISTMANN REQUESTED that his remarks be printed in the Journal, which request was granted.

POINT OF PERSONAL PRIVILEGE

SEN. MARCELLAIS rose on a point of personal privilege.

REMARKS OF SENATOR MARCELLAIS

MR. PRESIDENT:

The VETERAN

It is the VETERAN, not the preacher,
who has given us freedom of religion

It is the VETERAN, not the reporter,
who has given us freedom of the press

It is the VETERAN not the poet,
who has given us freedom of speech

It is the VETERAN not the campus organizer,
who has given us freedom to assemble

It is the VETERAN, not the lawyer
who has given us the right to a fair trial

It is the VETERAN not the politician
who has given us the right to vote

It is the VETERAN who salutes the Flag,
Veterans Day is a day when we pause to give thanks to the people who fought for the things
we have. God bless America, God bless North Dakota and Thank You VETERANS

REQUEST

SEN. MARCELLAIS REQUESTED that his remarks be printed in the Journal, which request was granted.

REQUEST

SEN. CHRISTMANN REQUESTED that the Senate stand at ease pending the call of the chair, which request was granted.

REMARKS OF SENATE MINORITY LEADER RYAN TAYLOR

Mr. President, as we bring to a close this special session of the North Dakota Legislature and complete our work here in the state senate, I want to extend the gratitude of our caucus and myself to all who have helped to organize this session and worked so tirelessly for it to come off so professionally. Thank you to the desk staff, all the employees of the committees and caucus offices, the majority leadership and committee chairs, and all our senate colleagues who pitched in to do the job. Well done.

We knew back in April as the gavel came down on our regular session that we would be back here to pass a plan for redistricting and deal with legislative issues of health care, but it

was impossible for us to know what would happen to this state between April and November. Who knew that our state would see flooding along the Mouse River, the Missouri River, and across the state of such epic proportion? Floods that would destroy homes, displace families and ravage communities like we have never seen before. And in western North Dakota, away from the flooding rivers, communities would be flooded with the impacts of rapid and intense oil development that is breaking all historical bounds. Impacts that have changed communities and challenged lifelong residents of that area with traffic, road damage, and strain on both people and the services demanded of such a boom. As one resident lamented to me about the traffic, "there are no left hand turns on some of these highways."

So, it was timely for this legislature to come together to debate these issues, and find ways to help people and communities who very much needed help. We've debated the extent of that help and the mechanisms of delivering it, but, together, both minority and majority, we've contributed ideas and come up with a package that will do good for North Dakota.

While we were here, we couldn't help but be reminded that someone was missing as roll call was taken. As we shared with each other yesterday, we feel the void of our departed colleague. Yet, we all know, this is but one roll call here in this chamber. We will all be subject to another roll call beyond this place, beyond these bounds, and in our work and our lives we are preparing for that roll call. Our time here is precious. We were acutely reminded of that this Veteran's Day with the eloquent remarks of Vietnam veteran Sen. Marcellais.

I am happy today to have my oldest boy here to help cast this morning's roll call votes. As the redistricting plan of this session dictates, it is possible that these could be the last votes I take as a senator, as decisions are made in the future for me and my family. My wife and I have talked about this, and I want to say that if this is my last roll call in this chamber as a senator, as minority leader, I'm at peace with that. We all stand for election and there are no guarantees, and I'm at peace with what may come. I want to say that my time here with all of you has been special, the work we do here has been meaningful, and each of you have my respect as fellow senators.

Thank you and God bless.

MOTION

SEN. BERRY MOVED requests that Senator Taylor's remarks be printed in the journal, which motion prevailed.

REMARKS OF SENATE MAJORITY LEADER RICH WARDNER

Mr. President and members of the Senate, I want to say a big thank you.

I appreciate the comments of the Senator from District 7, the Minority Leader. I second everything he said, and I appreciate the short time we have worked together in this special session.

I want to say "thank you" first of all to the support staff that have made this session go. The clerks, the front desk, the sergeant-at-arms, pages, our administrative assistants, they are the engine that makes this process go smoothly, and we truly thank you. Thank you for the extra hours you put in to make this a successful session.

I also want to thank the Legislative Council, the time that they have put in before the session and during session to make things go.

Members of the Senate, we have dedicated people working for us and know we appreciate everything you do.

Next I would like to move to the Senators. You know when you coach and you've got good talent, you win. We've got good talent. That's the bottom line. Both sides of the aisle have outstanding people and talents, people with integrity and honesty who believe in the state of North Dakota. I appreciate the fact that you all stayed focused, that's critical. It didn't matter whether you were on a committee or not, you stayed focused. That's why we are done. That's why we got a lot of material covered in a short period of time.

I will put the North Dakota legislature against any legislature in the nation. There aren't many that don't have personal staff to help them. You are your staff. You are the ones getting it done, and when we take a look at the money being spent for staff, we are pretty efficient. We

have Legislative Council, and let me tell you, its a great investment having these people.

Next I want to talk about the work ethic. The other day I talked about our past leader. Serving with him in Finance and Tax and calling him "Digger". Digger because he dug into issues. When I look around this body we've got a lot of "Diggers" in here. You are not afraid to roll up your sleeves and get to work, to find out the facts about an issue. That is what makes us a successful organization. I want to say I'm not only speaking about the majority party but also the minority party; if they don't do the job, we will run amok. So everyone of you is important. Thank you for stepping up and doing the extra. Thank you.

The reason the session was so successful was the preparation beforehand. A lot of people worked very hard before the session started, and we thank you for that.

I would also like to say this is Veterans Day, and I appreciate the remarks made earlier. There is no question that the freedoms that we enjoy are because of those who serve. We honor them as we leave here today on this special day, on the eleventh month, the eleventh day, the eleventh year and at the eleventh hour. We are here doing the work of the people of North Dakota, many of whom sacrificed their time, and some their lives. I appreciate all they do for us, and I say, "God Bless the American Military," and we pray for them.

As we leave here today, I just want you to remember there is work to be done. We need to prepare for the next session and continue to dig in and find answers and solutions for issues that need to be dealt with, and there will many. But I have confidence that this group and the group across the hall will get it done.

God Bless you, and go out and continue to serve the people of the great state of North Dakota.

MOTION

SEN. WARNER MOVED requests that Senator Wardner's remarks be printed in the journal, which motion prevailed.

MOTION

SEN. WARDNER MOVED that the Senate be on the Fourth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourn sine die, subject to the provisions of North Dakota Century Code Section 54-03-02, which motion prevailed.

Pursuant to Senator Wardner's motion, the Senate stood adjourned sine die.

William R. Horton, Secretary