

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

* * * * *

Bismarck, December 5, 2012

The Senate convened at 8:30 a.m., with President Pro Tempore Wanzek presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Senator Anderson.

A quorum was declared by President Pro Tempore Wanzek.

MOTION

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

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

REPORT OF PROCEDURAL COMMITTEE

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

2013 SENATE STANDING COMMITTEES**Appropriations Committee**

Committee Chairman - Holmberg	Mathern
Co-Vice Chairman - Bowman	O'Connell
Co-Vice Chairman - Grindberg	Robinson
Kilzer	Warner
Krebsbach	
Erbele	
Wanzek	
Carlisle	
G. Lee	

Education Committee

Committee Chairman - Flakoll	Heckaman
Vice Chairman - Schaible	Marcellais
Luick	
Poolman	

Finance and Taxation Committee

Committee Chairman - Cook	Dotzenrod
Vice Chairman - Campbell	Triplett
Miller	
Oehlke	

J. Lee

Anderson

Transportation Committee

Committee Chairman - Oehlke

Sinner

Vice Chairman - Armstrong

Axness

Sitte

Flakoll

Campbell

SEN. WARDNER MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Sixty-second Legislative Assembly, as adopted on Wednesday, December 8, 2010, and published in the 2011 Senate and House Rules and Committees book, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-third Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Senate Rule 206 is amended as follows:

206. Officers and employee positions of the Senate. The following officers and employee positions are established, with the number, title, and manner of selection for each position as stated:

Title of Position	Number of Positions
Group A	
Secretary of the Senate	1
Journal Reporter	1
Sergeant-at-Arms	1

Persons holding Group A positions must be elected by a majority of the members-elect and the results of the vote must be recorded in the journal.

Group B	
Assistant Secretary of the Senate	1
Chief Committee Clerk	1
Appropriations Committee Clerk	1
Bill Clerk	1
Calendar Clerk	1
<u>Recording Clerk</u>	<u>1</u>
Assistant Appropriations Committee Clerk	1
Committee Clerks	10
Chief Page and Bill Book Clerk	1
Assistant Committee Clerk	1
Deputy Sergeant-at-Arms	1
Legislative Assistant - Information Kiosk Attendant	1
Legislative Assistant - Desk Page	1

Persons holding Group B positions must be appointed by the party having a majority of the members-elect, acting by and through the Employment Committee. Unless otherwise determined by the Employment Committee, the Information Kiosk Attendant position alternates between the houses every other legislative session.

Group C	
Administrative Assistant to Majority Leader	1
Staff Assistants to Majority Leader	2
Administrative Assistant to Minority Leader	1
Staff Assistants to Minority Leader	2

The Majority and Minority Leaders shall appoint their respective administrative and staff assistants, acting by and through the Employment Committee.

Other employees must be appointed as determined necessary by the Employment Committee and must be allocated to the majority and minority parties in proportion to each party's percentage of the total number of the members-elect and each party shall appoint the persons to the positions allocated to them, acting by and through the Employment Committee. The majority party has the first right to select positions of a group until its allocation is filled.

The powers, duties, and qualifications for each officer or employee are as provided by law, these rules, and the 2011 current Legislative Session Employee Handbook.

SECTION 2. AMENDMENT. Senate Rule 342 is amended as follows:

342. Announcement of vote. The Secretary shall tabulate the vote. The presiding officer shall announce the vote and declare whether the bill has passed, ~~whether the title is agreed to,~~ and whether the emergency clause, if any, has carried.

SECTION 3. AMENDMENT. Senate Rule 346 is amended as follows:

346. Transmittal of measure to House - Notice of intention to reconsider.

1. After the second reading of a bill or resolution, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of.
2. On the thirty-eighth and thirty-ninth legislative days and after the fifty-ninth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately upon adjournment of the last session on that day's session day unless action on the bill or resolution is pending as the result of the Senate passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.
3. After the sixty-eighth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.
4. When a member in explaining the member's vote states to the Senate that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.
5. If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House at the end of that next legislative day.

SECTION 4. AMENDMENT. Subsection 3 of Senate Rule 601 is amended as follows:

3.
 - a. If the committee report is for amendment, the proposed amendment must be placed on the calendar for the next legislative day on the sixth order of business. After the fifty-fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received.
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision e or g.

- d. If the amendment is rejected, the measure without amendment must be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
- e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under Senate Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
- f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision g.
- g. On motion a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all Senate bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. AWithout objection a measure placed on the calendar under this subdivision may~~must~~ be acted on immediately after placement on the calendar.
- h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Secretary without a notation that the report was approved as to form and style by the Legislative Council staff, the Secretary immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.

SECTION 5. AMENDMENT. Subsection 4 of Joint Rule 501 is amended as follows:

- 4. a. The agency or department preparing the fiscal note for a bill or resolution as introduced shall complete and return the fiscal note ~~along with the number of copies requested by the Legislative Council~~ to the Legislative Council not later than five days from the date of the request. The agency or department preparing the fiscal note for an amended bill or resolution shall complete and return the fiscal note to the Legislative Council not later than one day from the date of the request.
- b. The Legislative Council shall ~~retain three copies, shall provide one~~ an electronic copy of the fiscal note to the Office of Management and Budget, ~~shall provide one copy to and the Governor, and. The Legislative Council shall deliver the remaining copies~~ a paper copy to the Secretary of the Senate or the Chief Clerk of the House. ~~Of those copies, one copy must be attached~~ The Secretary of the Senate or the Chief Clerk of the House shall attach a paper copy to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the presiding officer of the Senate, one copy must be provided to the presiding officer of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.

SECTION 6. Joint Rule 801.1 is created as follows:

801.1. Recording of proceedings. All floor sessions of the Senate and House of Representatives must be recorded on electronic media as provided by the Legislative Council. The recording must include audio and may include video. The Legislative Council shall provide for public access to the recordings through the legislative branch website. The

Legislative Council shall maintain access to the recordings in accordance with its records retention policy with respect to records having historical value.

SEN. HOLMBERG MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 9:50 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 8, 2013.

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

William R. Horton, Secretary