

Third Day of Legislative Organizational Session**JOURNAL OF THE SENATE****Sixty-fifth Legislative Assembly**

* * * * *

Bismarck, December 7, 2016

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

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

A quorum was declared by the President.

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.

REQUEST

SEN. KREBSBACH REQUESTED that the record reflect her presence, which request was granted.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Sixty-fourth Legislative Assembly, as adopted on December 3, 2014, and published in the 2015 Senate and House Rules and Committees book, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-fifth Legislative Assembly, and the reading of the report be dispensed with:

SECTION 1. AMENDMENT. Senate Rule 203 is amended as follows:

203. Duties of Secretary. The Secretary of the Senate shall:

1. Keep correct journals of the proceedings of the Senate. The Secretary shall request from the Secretary of State a list of all currently registered lobbyists, and shall print a list of those lobbyists in the journal upon the adjournment of the legislative session.
2. Have the custody of all records, accounts, and other papers committed to the Secretary.
3. Post appropriate notices of committee meetings and any other announcements or notices.
4. Prepare a short orientation program for Senate employees which must 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 presiding officer.
6. Exercise general supervision over all Senate employees and of all clerical duties appertaining to the business of the Senate.
7. Keep a record showing the actions taken on and status of all the bills, memorials, and resolutions.

8. Prepare the daily calendar to reflect the action taken and pending on all measures. The Secretary shall provide for the distribution of the completed calendars.
9. Make available identification badges for all members of the Senate and employees thereof as soon as such persons have been determined.
10. Ensure that all material that is to be distributed to the members' desks other than that which is personally addressed is first submitted to the Secretary, who shall supervise its distribution. No material may 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 Majority and Minority Leaders for their instructions.
11. ~~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 recorded, labeled, folded, and classified. The journal need not be deposited until it is indexed and completed.~~
- 42- Perform under the direction of the presiding officer all duties pertaining to the office and any other duties as assigned by the presiding officer.

SECTION 2. 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
Recording Clerk	1
Assistant Appropriations Committee Clerk	1
Committee Clerks	10
Chief Page	1
Assistant Committee Clerk	1
Deputy Sergeant-at-Arms	1
Legislative Assistant - Information Kiosk Attendant	1
Legislative Assistant - Desk Page	1
<u>Legislative Assistant - Parking Lot Attendant</u>	<u>1</u>

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 current Legislative Session Employee Handbook.

SECTION 3. AMENDMENT. Senate Rule 319 is amended as follows:

319. Division of question.

1. If a question before the Senate contains more than one proposal, any member may have the question divided, except a question on the adoption of a conference committee report or on the second reading and final passage of a measure resulting from the adoption of a conference committee report may not be divided.
2. A question containing more than one proposal may be divided only if each resulting division is so distinct and separate it can stand as a complete proposition without being rewritten.
3. Each division of a divided question requires the same vote for adoption that the division would require if it stood alone.
4. A roll call vote must be ordered for each division of a bill.
5. After voting on all divisions, the approved divisions comprise the question before the Senate.

SECTION 4. AMENDMENT. Subsection 4 of Senate Rule 329 is amended as follows:

4. Except for bills approved for introduction after the deadline for introduction of bills, all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the ~~twenty-fifth~~twenty-third legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the ~~fifty-seventh~~fifty-fifth legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the ~~twenty-fifth~~twenty-third or ~~fifty-seventh~~fifty-fifth legislative day, as appropriate.

SECTION 5. AMENDMENT. Senate Rule 338 is amended as follows:

338. Disposition of measures after ~~fifty-fifth~~fifty-third legislative day. After the ~~fifty-fifth~~fifty-third legislative day, all bills and resolutions under consideration must immediately be placed on the calendar for second reading and final passage.

SECTION 6. AMENDMENT. Senate Rule 347 is amended as follows:

347. 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~~thirty-sixth and ~~thirty-ninth~~thirty-seventh legislative days and after the ~~fifty-ninth~~fifty-seventh 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 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~~sixty-sixth 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 7. AMENDMENT. Senate Rule 402 is amended as follows:

402. When introduced.

1. No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ~~tenth~~ninth legislative day. A bill containing an appropriation clause may not be introduced after the ~~tenth~~ninth legislative day. No bill may be introduced after the ~~fifteenth~~thirteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the ~~eighteenth~~sixteenth 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.
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced after the close of business on the day after the adjournment of the organizational session, except upon approval of a majority of the Delayed Bills Committee.
3. Resolutions that propose amendments to the Constitution of North Dakota and resolutions directing the Legislative Management to carry out a study may not be introduced after the ~~thirty-sixth~~thirty-fourth legislative day.

SECTION 8. AMENDMENT. Senate Rule 502 is amended as follows:

502. Limitations on committee membership. Each member shall serve on two standing committees, except the Majority Leader, who may not serve on any standing committee, the Minority Leader, who may be appointed to any standing committee by the Committee on Committees, and all members of the Appropriations Committee, who may not serve on any other standing committee. No member of the Senate may be appointed to more than one 3-day and one 2-day committee. The Majority and Minority Leaders may participate in all standing committees but may not vote therein except that the Minority Leader may vote on any committee to which the Minority Leader has been appointed. The Minority Leader may second a motion on any other standing committee if the committee includes only one member of the minority party.

SECTION 9. AMENDMENT. Senate Rule 509 is amended as follows:

509. Reporting of measures. Except for an appropriations bill, a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, or a resolution directing an interim study by the Legislative Management, no Senate bill or resolution may be held in a committee for more than thirty legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. Except for a bill introduced after the deadline for introducing bills, a resolution directing an interim study by the Legislative Management or a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, all Senate bills and resolutions must be reported back to the Senate no later than the ~~thirty-sixth~~thirty-fourth legislative day. A resolution directing an interim study by the Legislative Management or proposing an

amendment to the Constitution of the United States or the Constitution of North Dakota must be reported back to the Senate no later than the ~~forty-second~~fortieth legislative day. A bill introduced after the deadline for introducing bills must be reported back to the Senate within five legislative days after the day of introduction. A bill or resolution not reported back as required by this rule must automatically be placed on the calendar without recommendation. House bills and resolutions must be reported back to the Senate by the ~~sixty-fifth~~sixty-third legislative day. House bills received after the crossover deadline must be reported back to the Senate within five legislative days after the day of receipt.

SECTION 10. 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~~fifty-third 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~~thirtieth legislative day all Senate bills, and after the ~~fifty-fifth~~fifty-third legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. Without objection a measure placed on the calendar under this subdivision 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 11. AMENDMENT. Joint Rule 203 is amended as follows:

203. Limitation on messaging of measures - Crossover days.

1. A bill that has passed one house may not be sent to the other house for concurrence after the ~~thirty-ninth~~^{thirty-seventh} legislative day, except a bill approved for introduction after the deadline for introduction of bills.
2. A resolution that has passed one house may not be sent to the other house for concurrence after the ~~forty-fifth~~^{forty-third} legislative day, except a resolution approved for introduction after the deadline for introduction of that type of resolution.

SECTION 12. AMENDMENT. Joint Rule 206 is amended as follows:

206. Consent calendar.

1. Each standing committee may report an uncontested bill or resolution ~~or a contested resolution~~ out of committee and may include in its report a recommendation for placement on the consent calendar.
2. As used in this rule, "uncontested bill or resolution" means any bill or resolution, except a bill providing an appropriation, which receives a do pass, do pass as amended, or do not pass recommendation from the committee of referral, by unanimous vote of the members present provided a quorum is present. ~~As used in this rule, "contested resolution" means any resolution that receives a do pass or do pass as amended recommendation from the committee of referral, by any vote other than a unanimous vote of the members present provided a quorum is present.~~
3. Following the presentation of a committee report recommending placement on the consent calendar, all bills or resolutions recommended by the committee for placement on the consent calendar must be placed on the consent calendar.
4. A resolution directing a Legislative Management study which receives a do pass or do pass as amended recommendation from the committee of referral must be placed on the consent calendar, regardless of whether the committee report recommends placement on the consent calendar.
5. Any consent calendar bill or resolution that is amended from the floor must be taken off the consent calendar and must be placed on the regular calendar.
6. Upon objection of any member to the placement or retention of any uncontested bill or resolution, ~~any contested resolution~~, or any Legislative Management study resolution on the consent calendar, the bill or resolution must be taken off the consent calendar and must be placed on the regular calendar.

SEN. HOLMBERG MOVED that the report be adopted.

REQUEST

SEN. KLEIN REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the Procedural Rules Committee Report, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

The motion prevailed on a recorded roll call vote.

REPORT OF PROCEDURAL COMMITTEE

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

2017 SENATE STANDING COMMITTEES**Appropriations Committee**

Ray Holmberg - Chairman	John Grabinger
Bill L. Bowman - Co-Vice Chairman	Tim Mathern
Karen K. Krebsbach - Co-Vice Chairman	Larry J. Robinson
Dick Dever	
Robert Erbele	
David Hogue	
Ralph Kilzer	
Gary A. Lee	
Dave Oehlke	
Ronald Sorvaag	
Terry M. Wanzek	

Education Committee

Donald Schaible - Chairman	Erin Oban
David S. Rust - Vice Chairman	
Kyle Davison	
Jordan Kannianen	
Shawn Vedaa	

Finance and Taxation Committee

Dwight Cook - Chairman	Jim Dotzenrod
Brad Bekkedahl - Vice Chairman	
Lonnie J. Laffen	
Scott Meyer	
Jessica Unruh	

Human Services Committee

Judy Lee - Chairman	Joan Heckaman
Oley Larsen - Vice Chairman	Merrill Piepkorn
Howard C. Anderson, Jr.	
David A. Clemens	
Curt Kreun	

Industry, Business and Labor Committee

Jerry Klein - Chairman	Richard Marcellais
Tom Campbell - Vice Chairman	
Randall A. Burckhard	
Jonathan Casper	
Nicole Poolman	
Jim P. Roers	

Judiciary Committee

Kelly M. Armstrong - Chairman	Carolyn C. Nelson
Diane Larson - Vice Chairman	
Larry Luick	
Janne Myrdal	
Arne Osland	

Agriculture Committee

Larry Luick - Chairman	Merrill Piepkorn
Janne Myrdal - Vice Chairman	
Jerry Klein	
Oley Larsen	
Arne Osland	

Government and Veterans Affairs Committee

Nicole Poolman - Chairman
Kyle Davison - Vice Chairman
Brad Bekkedahl
Scott Meyer
Shawn Vedaa

Richard Marcellais

Energy and Natural Resources Committee

Jessica Unruh - Chairman
Curt Kreun - Vice Chairman
Kelly M. Armstrong
Dwight Cook
Jim P. Roers
Donald Schaible

Erin Oban

Political Subdivisions Committee

Randall A. Burckhard - Chairman
Howard C. Anderson, Jr. - Vice Chairman
Jordan Kannianen
Diane Larson
Judy Lee

Jim Dotzenrod

Transportation Committee

Lonnie J. Laffen - Chairman
Jonathan Casper - Vice Chairman
Tom Campbell
David A. Clemens
David S. Rust

Carolyn C. Nelson

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

REMARKS BY PRESIDENT WRIGLEY

Mr. Majority Leader, Assistant Majority Leader, Minority Leader, Assistant Minority Leader, members of the Senate, and Staff of this great body; I appreciate very much the opportunity to share just a couple of remarks. Senator Wardner asked me to do this a couple of minutes ago knowing I really didn't have time to put stuff on one little sheet of paper, but I had a couple of things I wanted to say.

We talk from time to time about history in this building. We all walked down here this morning coming through the great hall, I always call it, and then the Secretary of State corrects me "it's not the great hall" he says "its memorial hall", and of course he's right about that. So am I. It's a great hall because it's memorial hall. When this state built this capitol and it was completed in 1933, they picked that name, memorial hall, to stand for all the sacrifices that had come before, but it's interesting when you think about it that that's an accumulative. What a perfect name. It's accumulative across all these years. Wars and conflicts, men and women in uniform, but also men and women coming into these halls and doing what you are all doing. I say that it's accumulative. I hope that you'll each keep in mind that your commitment, and your sacrifice, and your attention to duty has been, is being now, and for the new Senators up ahead, is being woven into the history of North Dakota. That's a privilege.

Kathleen, Quinn, Patrick, Harper, and I thank each of you for these years that we've had working with all of you. Forgive my voice, our oldest daughter, Quinn, used to like to note "Dad, the only time you cry is about something that's suppose to make you happy." Well I'm happy today, not because it's my last day here, but because I'm thinking about what a privilege it's been to work and serve with all of you across these years.

I note history, 75 years ago today the bombing of Pearl Harbor. There's some history for all of us. There's some sobering history, and I know that we all recognize the privilege of living in this country. I know maybe you didn't think at all moments your election campaigns were a privilege, but they were. And here you are, people of your Districts sent you here and you

have a privilege.

Along those same lines, this probably won't be noted as one, 6 years ago today, at about this exact hour, the Governor and I were sworn in across the hall in a joint session: him as the 32nd Governor of the state of North Dakota, me as the 37th Lieutenant Governor, and it has in fact been a privilege across these years. There are a lot of Lieutenant Governor jokes, and I told most of them. I told most of them, but I know it was always offered in spirit, and I hope it was taken in spirit. Let me recognize what a privilege it's been to stand here after just 36 people have taken that same oath. That's been a privilege.

In my career I have 3 times stepped away from an opportunity to serve the public. I was privileged to be Assistant District Attorney for 5 years in Philadelphia and when I stepped down I remember saying, we were moving home to North Dakota, I remember saying at that time, if I never got the chance to serve again in public office of any kind I would die a lucky man. Years later, I was appointed the United States Attorney for North Dakota. I was privileged to serve in that job for over 8 years, and I remember when I was stepping down to go back into the private sector those words came to me again, and I felt them on my heart. I said "When I'm 99 years old and I'm sitting in a chair someplace drooling on myself, if this is my last day of public service I have been richly blessed." So next week, at midnight on the 14th when I step away from public service again, let me say to each of you, if that's my last moment of public service I have been incredibly blessed, and I consider it a high privilege and honor. My entire family joins me in that in saying thanks. Thanks for your friendship, thanks for the personal nature of your care, thank you for your prayers across the years, and we will really, really never forget any of that.

It is a small world. We live in a small state, but it's a small world. We know that so there's really never goodbye, and good thing too, because who likes goodbye. Certainly not me. It's one of those things though, like Quinn said, makes me emotional because I care about each of you, and it's been such a pleasure to be here with you, serving, but it is a small world, it is a small state, and we will see you again up the road without any doubt about it. Maybe it won't be here in the hallways like watching you and stuff, but I might read about you in the paper from time to time, but we will see you up the road. I don't have any doubt about that.

I'll close with this, the good book reminds us, and I'm getting up there now, I'm 51 so I'm getting some wisdom, there is a season for everything. There really is a season for everything. You have to have peace in your heart about the seasons as they go and feel blessed for the season up ahead. Drew Wrigley certainly feels that way, and I thank all of you for sharing this season, and I'll leave with some advice if I could. Again being 51, in all of our service, public, private, in our lives, let's all have the humility to know whatever number we are in that job when we sit in that seat, when the voter sends us here or if we sit in that seat, because someone asked us to take on a public responsibility of some kind, have the humility to know that people came before you. Some of them were better than you, some of them served worse, and some are going to come after you, and some are going to serve better than you whatever that means, and some are going to serve worse. The thing that we all get to control is we get to be number one in our sense of duty. We get to be top tier in enthusiasm and embracing it, in loving what we do, through good moments and not so damn good moments, we get to control that. So make sure that's the way we all serve here and elsewhere. The humility to know there are those who have done it better and those who have not done it as well, and just as many are going to come after, and this is our privilege.

Across the years I have ended a number of speeches this way. I think this, not just because I've had the opportunity to serve in the public office, not by a long stretch, I serve this because I've had the privilege to be born in and lived in this state. Ladies and gentlemen, you're serving it, working it, living it, educating it, being educated in it, and loving it. The greatest state, in the finest nation on the face of this earth. I say that with all humility about our state. It is incredibly special, special place. Leadership matters in a state, and so I thank you as a constituent, as a citizen, as a person who loves this place like all of you do. I tell you thank you. I tell you God speed up ahead. I know you'll do the people's work as you always have. Thank you for the privilege of allowing me to share in those efforts. Thank you very much.

MOTION

SEN. KLEIN MOVED that the Senate stand adjourned until 12:00 p.m., Tuesday, January 3, 2017, which motion prevailed.

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

Shanda Morgan, Secretary