

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

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Bismarck, December 5, 2018

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

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

The roll was called and all members were present except Senators Cook, Grabinger, and Wanzek.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. MATHERN rose on a point of personal privilege.

REMARKS OF SENATOR MATHERN**MR. PRESIDENT:**

Today we rightfully honor and celebrate the life and service of President Bush, our 41st President.

In light of the fact that I met President Bush when he visited North Dakota for our centennial in 1989, and the fact that I was already in the Senate at that time, I was asked to say a few words.

My comments are framed in three topics: public service, the bigger picture, and a tree.

Public Service: We have all read about the many official ways President Bush served our country. The lists you see in our newspapers are long and impressive. However, the importance of public service to President Bush is demonstrated in more ways. I note, for example, how public service must have been elevated in value in his family discussions. After all President Bush raised a son who became president and another son who served as governor. I also note how he continued serving through volunteerism and philanthropy after his term.

Bigger Picture: I read the letter that President Bush left in his office for incoming President Clinton. The letter reflects a world view and a view of the presidency way beyond partisanship or the incidentals of daily events. It reflects the role of President as being overreaching, broad, and needed to give inspiration, while working hard for the common good.

Tree: Now I have a few fun secrets to share! President Bush came to plant a tree in our capitol mall. The Democrats, if you can imagine, were in control of the Senate! I don't recall all the details but I have a thought that the Senator from District 17 might have been sent out to dig the hole for the tree and the Senator from District 24 was given the job of holding the golden shovel for the President!

What most people do not know is that the TREE DIED. The groundskeeper might have had an ethical dilemma, do I replant or not, or do I tell someone? The question was kicked up to the manager and eventually to the Capitol Grounds Commission, on which I served. Incidentally, I thought I was appointed to the Commission as I was a bright young senator only later learning that others did not want to serve!! Well, getting back to the tree, we decided to replant, maybe doing it in the middle of the night so as not to disturb the sensibilities of the President or our citizens! So the tree you see large on the mall is actually not the one planted by dear President Bush! Now you know the rest of the story!

We respect the service and leadership of President Bush. Thank you for taking a few

minutes to honor it with me.

POINT OF PERSONAL PRIVILEGE

SEN. WARDNER rose on a point of personal privilege.

REMARKS OF SENATOR WARDNER

MR. PRESIDENT: President George Bush, the 41st President of the United States of America:

George Bush served his country during the World War II with honor, commitment and bravery. He was a man of compassion; however, he had a drive that put him in the presidency. His drive was demonstrated during his time in the military and his quest to serve in the political arena. His warplane was shot down over the Pacific during World War II, and he survived, and he was defeated more than once on his way to being President. He never quit!!

Bush 41 was a man who demonstrated bipartisanship and treating everyone with respect no matter their political affiliation. This was exemplified by his relationship with President Clinton, the man who defeated him in his second run. They worked together on several volunteer projects.

He set an example for all Americans to follow, with family values in his relationship with his wife, children and grandchildren. He was a man of integrity and was a role model for all the people of our nation.

Today we honor the life and memory of a great American, George Bush, the 41st.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Mathern and of Sen. Wardner be printed in the Journal, which motion prevailed.

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 Sanford presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Sixty-fifth Legislative Assembly, as adopted on December 7, 2016, and published in the 2017 Senate and House Rules and Committees book, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-sixth Legislative Assembly, and the reading of the report be dispensed with:

SECTION 1. AMENDMENT. Senate Rule 329 is amended as follows:

329. Measures referred to Appropriations Committee.

1. Every bill providing an appropriation of five thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee, and every bill or resolution proposing a change in the audit or fiscal procedures of a state agency or institution must be originally referred to and acted upon by that committee, before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
2. Every bill or resolution to which is attached a fiscal note stating that the measure has an effect of fifty thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
3. A bill or resolution required to be referred or rereferred to the Appropriations Committee which received a do not pass recommendation from committee and

which then is passed by the Senate is deemed reconsidered and must be referred to and acted upon by the Appropriations Committee if that measure has not been referred or rereferred to the Appropriations Committee before passage. The Appropriations Committee shall report the measure back to the Senate for action in accordance with these rules.

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-third~~twenty-first legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the ~~fifty-fifth~~fifty-third 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-third~~twenty-first or ~~fifty-fifth~~fifty-third legislative day, as appropriate.

SECTION 2. AMENDMENT. Senate Rule 338 is amended as follows:

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

SECTION 3. 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-sixth~~thirty-fourth and ~~thirty-seventh~~thirty-fifth legislative days and after the ~~fifty-seventh~~fifty-fifth 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-sixth~~sixty-fourth 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. 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 ~~eighth~~sixth legislative day. A bill containing an appropriation clause may not be introduced after the ~~eighth~~sixth legislative day. No bill may be introduced after the ~~thirteenth~~eleventh legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the ~~sixteenth~~fourteenth 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-fourth~~thirty-second legislative day.

SECTION 5. 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-fourth~~thirty-second 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 ~~fortieth~~thirty-eighth 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-third~~sixty-first 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 6. 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-third~~fifty-first 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 ~~thirtieth~~twenty-eighth legislative day all Senate bills, and after the ~~fifty-third~~fifty-first 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 7. 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-seventh~~thirty-fifth 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-third~~forty-first legislative day, except a resolution approved for introduction after the deadline for introduction of that type of resolution.

SECTION 8. AMENDMENT. Joint Rule 208 is amended as follows:

208. Introduction of executive agency and Supreme Court bills. Each executive agency and the Supreme Court shall file with the Legislative Council those bills, other than bills making appropriations, they wish to have introduced no later than the close of business on the day after the adjournment of the organizational session. Each filed bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget, Supreme Court, and Legislative Council shall ~~file with~~ deliver to the Legislative Council ~~those bills~~ bill drafts making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07; ~~and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council; however, those bill drafts are not deemed to be introduced but must be provided to the appropriations committees and printed in the journals of the Senate and House of Representatives.~~ The Legislative Council shall number and deliver bills ~~filed~~introduced under this rule to the appropriate house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

SECTION 9. AMENDMENT. Joint Rule 901 is amended as follows:

901. ~~Sexual~~Workplace harassment policy.

1. The Legislative Assembly is committed to providing a healthy and appropriate work environment for legislators, legislative employees, and other state employees which is free from ~~sexual~~workplace harassment. ~~Sexual~~Workplace harassment in any manner will not be tolerated.
2. ~~Sexual harassment includes verbal abuse of a sexual nature, graphic verbal comment about a person's body, physical touching of a sexual nature, sexual advances and propositions, sexually degrading words used to describe an individual, display in the workplace of any sexually suggestive object or picture, and any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.~~The North Dakota Legislative Assembly Policy Against Workplace Harassment, including the Checklist for Intake and Investigations Under the North Dakota Legislative Assembly Policy Against Workplace Harassment, is incorporated into this rule.
3. Any individual who believes the individual has been subjected to workplace harassment is encouraged to contact the Senate Majority Leader or Minority Leader or a designee of the opposite gender, or the House of Representatives Majority Leader or Minority Leader or a designee of the opposite gender.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Cook; Grabinger

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:

2019 SENATE STANDING COMMITTEES

Appropriations Committee

| | |
|---------------------------------------|-------------------|
| Committee Chairman - Ray Holmberg | John Grabinger |
| Co-Vice Chairman - Karen K. Krebsbach | Tim Mathern |
| Co-Vice Chairman - Terry M. Wanzek | Larry J. Robinson |
| Brad Bekkedahl | |
| Dick Dever | |
| Robert Erbele | |
| David Hogue | |
| Gary A. Lee | |
| Dave Oehlke | |
| Nicole Poolman | |
| Ronald Sorvaag | |

Education Committee

| | |
|--------------------------------------|--------------------|
| Committee Chairman - Donald Schaible | Richard Marcellais |
| Vice Chairman - Robert O. Fors | Erin Oban |
| Kyle Davison | |
| Jay Elkin | |
| David S. Rust | |

Finance and Taxation Committee

| | |
|----------------------------------|---------------|
| Committee Chairman - Dwight Cook | Jim Dotzenrod |
| Vice Chairman - Jordan Kannianen | |
| Scott Meyer | |
| Dale Patten | |
| Jessica Unruh | |

Human Services Committee

| | |
|-------------------------------|-------------|
| Committee Chairman - Judy Lee | Kathy Hogan |
| Vice Chairman - Oley Larsen | |
| Howard C. Anderson, Jr. | |
| David A. Clemens | |
| Kristin Roers | |

Industry, Business and Labor Committee

| | |
|----------------------------------|------------------|
| Committee Chairman - Jerry Klein | Merrill Piepkorn |
| Vice Chairman - Shawn Vedaa | |
| Randy Burckhard | |
| Curt Kreun | |
| Jim P. Roers | |

Judiciary Committee

| | |
|-----------------------------------|-----------------|
| Committee Chairman - Diane Larson | JoNell A. Bakke |
| Vice Chairman - Michael Dwyer | |
| Larry Luick | |
| Janne Myrdal | |
| Arne Osland | |

Agriculture Committee

| | |
|----------------------------------|-------------|
| Committee Chairman - Larry Luick | Kathy Hogan |
| Vice Chairman - Janne Myrdal | |
| Jerry Klein | |
| Oley Larsen | |
| Arne Osland | |

Government and Veterans Affairs Committee

| | |
|-----------------------------------|--------------------|
| Committee Chairman - Kyle Davison | Richard Marcellais |
| Vice Chairman - Scott Meyer | Erin Oban |
| Jay Elkin | |
| Kristin Roers | |
| Shawn Vedaa | |

Energy and Natural Resources Committee

Committee Chairman - Jessica Unruh

Merrill Piepkorn

Vice Chairman - Curt Kreun

Dwight Cook

Jim P. Roers

Donald Schaible

Political Subdivisions Committee

Committee Chairman - Randy Burckhard

Jim Dotzenrod

Vice Chairman - Howard C. Anderson, Jr.

Jordan Kannianen

Diane Larson

Judy Lee

Transportation Committee

Committee Chairman - David S. Rust

JoNell A. Bakke

Vice Chairman - David A. Clemens

Michael Dwyer

Robert O. Fors

Dale Patten

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

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 9:55 a.m., at which time there will be a Joint Session in the House, after which the Senate will stand adjourned until 12:00 noon on Thursday, January 3, 2019, which motion prevailed.

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

Shanda Morgan, Secretary