

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, December 5, 1996

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. David Baker, Church of the Nazarene, Mandan.

The roll was called and all members were present except Senators Cook and Tomac.

A quorum was declared by the President.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 9:35 a.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Rules Committee (Sen. Goetz, Chairman) recommends that the Senate and Joint Rules of the Fifty-fourth Legislative Assembly, as adopted on Thursday, December 8, 1994, and published in the 1995 Senate and House Rules and Committees book, with the following new rules and amendments, be adopted as the permanent rules of the Senate for the Fifty-fifth Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Subsection 2 of Senate Rule 204 is amended as follows:

- 2. ~~Before 9:00 a.m. of the next legislative day, the~~ The printer shall deliver to the Secretary copies of the Senate journal ~~by the time,~~ in the number and style, and on the grade of paper, as may be determined by the Legislative Council. The Secretary shall cause a copy of the Senate journal to be placed immediately on the desk of each member.

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	Group A	Number of Positions
Secretary of the Senate .....		1
Desk Reporter .....		1
Sergeant-at-Arms .....		1

Persons holding Group A positions must be elected by a majority of the members-elect and 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
Assistant Appropriations Committee Clerk .....	1
Committee Clerks .....	9
Chief Page and Bill Book Clerk .....	1
Assistant Committee Clerks .....	2
Legislative Assistant/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.

### Group C

Secretary to the President .....	1
Secretary to Majority Leader .....	1
Staff Assistants to Majority Leader .....	2
Secretary to Minority Leader .....	1
Staff Assistants to Minority Leader .....	2

The President and the Majority and Minority Leaders shall appoint their respective secretaries 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 Legislative Handbook for North Dakota Legislators and Employees.

**SECTION 3. AMENDMENT.** Senate Rule 301 is amended as follows:

**301. ORDER OF BUSINESS.** The order of business is as follows:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reference to the Journal.
4. Presentation of Petitions ~~and~~ Communications, and Questions of Personal Privilege.
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and Certain Divided Committee Reports.
8. Motions and Resolutions.
9. First Reading of Senate Bills and Resolutions.
10. Consideration of ~~Amendments~~, Bills; and Resolutions on Consent Calendar.
11. Second Reading of Senate Bills and Resolutions.
12. Consideration of Messages from the House.
13. First Reading of House Bills and Resolutions.
14. Second Reading of Same.
15. Unfinished Business.
16. Signing of Bills and Resolutions.
17. Announcements.

**SECTION 4. AMENDMENT.** Senate Rule 318 is amended as follows:

**318. VOTES REQUIRED FOR CERTAIN QUESTIONS.**

1. The following questions require a majority vote of the members of the Senate present and voting:
  - a. Action, other than referrals or rereferrals to the Appropriations Committee on certain measures, as authorized in Senate Rule 329.
  - b. Order to a chairman to report a measure back from committee, as provided in Senate Rule 508.
  - c. Adoption of amendments, as provided in Senate Rule 601.
  - d. Reconsideration of the adoption of an amendment, as provided in Senate Rule 346.
  - e. Adoption of propositions of a divided question if the division would require a majority vote of the members present, as provided in Senate Rule 319.
  - f. Adoption of conference committee reports, as provided in Senate Rule 605.
  - g. To return a measure requested by the House before action, as provided in Joint Rule 204.
  - h. To have the President refuse to sign any bill the House refuses to return, as provided in Senate Rule 348.
  - ~~h.~~ i. To request preparation of a fiscal note, as provided in Joint Rule 501.
  - j. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the Senate:
  - a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and Senate Rule 338.
  - b. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 16, Article IV, of the Constitution.
  - c. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 338.
  - d. To recede before a conference in a case where a majority governs, as provided in Joint Rule 202.
  - e. To constitute a quorum, as provided in Senate Rule 103.
  - ~~e.~~ f. Election of certain Senate employees, as provided in Senate Rule 206.
  - f. g. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.
  - ~~g.~~ h. Adoption of propositions of a divided question if the division would require a majority vote of the members-elect, as provided in Senate Rule 319.
  - ~~h.~~ i. Reconsideration of questions other than adoption of amendments if before the end of the next legislative day, as provided in Senate Rule 346.
3. The following questions require a two-thirds vote of the members of the Senate present and voting, which two-thirds may, in no event, constitute fewer than a majority of the members-elect of the Senate:
  - a. Introduction of ~~bills~~ measures after deadline, as provided in Senate Rule 402.
  - b. Return of measures to other house after action taken, as provided in Joint Rule 204.
  - c. Previous question.

4. The following questions require a two-thirds vote of the members-elect of the Senate:
  - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 338.
  - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
  - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
  - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in Senate Rule 319.
  - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
  - f. Second reading same day as report, as provided in Senate Rule 336.
  - ~~f.~~ g. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in Senate Rule 346.
  - ~~g.~~ h. Reconsideration after a clincher motion, as provided in Senate Rule 347.
  - ~~h.~~ i. Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
  - ~~i.~~ j. Suspension of the rules, as provided in Senate Rule 324.
  - ~~j.~~ k. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.
5. A question to ~~recall~~ withdraw a measure ~~for purposes of withdrawal~~ after it has been referred to committee requires unanimous consent of the members of the Senate, as provided in Senate Rule ~~508~~ 330.1.

**SECTION 5. 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.
- ~~3.~~ 4. After voting on all divisions, the approved divisions comprise the question before the Senate.

**SECTION 6. AMENDMENT.** Senate Rule 328 is amended as follows:

**328. MEASURES REFERRED TO COMMITTEE.** Upon the first reading of a bill or concurrent resolution including a resolution for a constitutional amendment, the President shall refer it to an appropriate standing committee, unless the Senate, by motion, decides to refer it to a select or other standing committee.

**SECTION 7. AMENDMENT.** Subsection 4 of Senate Rule 329 is amended as follows:

4. ~~All Senate bills required to be rereferred to the Appropriations Committee, except~~ Except for bills introduced approved for introduction after the deadline for introduction of bills by the Delayed Bills Committee or on two-thirds vote of the Senate, all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the twenty-third legislative day and all House bills

required to be rereferred to the Appropriations Committee must be rereferred not later than the forty-seventh 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 or forty-seventh legislative day, as appropriate.

**SECTION 8.** Senate Rule 330.1 is created as follows:

**330.1. WITHDRAWAL OF MEASURES.** After referral as provided by Senate Rule 328, the bill or resolution may not be withdrawn without unanimous consent of the Senate.

**SECTION 9. AMENDMENT.** Senate Rule 332 is amended as follows:

**332. AMEND OR REREFER ON SECOND READING.** On the second reading of every bill or resolution, any amendment other than amendment of a measure reported from a conference committee may be received and the bill or resolution may be rereferred at any time before its final passage. Upon request of a member, a floor amendment must be submitted in writing and distributed to each member.

**SECTION 10. AMENDMENT.** Senate Rule 335 is amended as follows:

**335. SETTING TIME CERTAIN FOR FLOOR DEBATE.** If a committee chairman determines that amendments recommended or a bill or resolution considered by the chairman's committee presents important issues of public concern, the chairman ~~may~~, after consultation with and approval of the President of the Senate and the Majority and Minority Leaders, may set a time certain for floor debate on the amendments when placed on the calendar for consideration during the sixth order of business or the bill or resolution when it has been placed on the calendar for consideration during the eleventh or fourteenth order of business. The committee chairman shall request the President to set an exact time when the amendments, bill, or resolution will be debated, and when that time is reached, the President shall hold any other matters pending at that time in abeyance until such time as the scheduled floor debate has been completed.

**SECTION 11. AMENDMENT.** Senate Rule 344 is amended as follows:

**344. RECORDING REMARKS IN JOURNAL.** When a member desires to have the member's remarks, other than those in explanation of the member's vote, recorded in the journal, the member shall inform the Desk Reporter before speaking and the remarks must be recorded. Except for the Majority or Minority Leader with respect to the remarks of a member of that leader's party, no member may request the remarks of any other member be recorded in the journal.

**SECTION 12. AMENDMENT.** Senate Rule 345 is amended as follows:

**345. TRANSMITTAL OF MEASURE TO HOUSE - NOTICE OF INTENTION TO RECONSIDER.** ~~Except on the thirty third legislative day and on or after the fiftieth legislative day, when notice of intention to move the reconsideration of any bill or resolution must be given by a member~~ 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. On the thirty-third legislative day and after the forty-ninth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately upon adjournment of that day's session 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. 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.

**SECTION 13. AMENDMENT.** Subsections 3 and 4 of Senate Rule 346 are amended as follows:

3. In the case of a bill, resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day, requires a two-thirds vote of the members-elect. ~~After a motion to reconsider a question, any subsequent motion to reconsider the question requires a two-thirds vote of the members-elect. For purposes of this rule, a clincher motion that fails is not a motion to reconsider.~~

4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.

**SECTION 14. AMENDMENT.** Senate Rule 359 is amended as follows:

**359. TELEPHONES.** ~~No private telephones are~~ wireless telephone is allowed on the floor of to be used in the Senate chamber during a floor session or in a senate committee room during a committee meeting in that room.

**SECTION 15. AMENDMENT.** Subsections 1 and 3 of Senate Rule 402 are amended as follows:

1. No bill may be introduced after the ~~fifteenth~~ sixteenth legislative day and no member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ~~tenth~~ eleventh legislative day, nor may any resolution, except those resolutions described in subsection 3, 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.
3. Resolutions that propose amendments to the Constitution of the United States and resolutions directing the Legislative Council to carry out a study may not be introduced after the ~~thirty-fourth~~ thirty-first legislative day.

**SECTION 16. AMENDMENT.** Senate Rule 501 is amended as follows:

**501. STANDING COMMITTEES.**

1. ~~The Senate shall elect a~~ Committee on Committees ~~existing~~ consists of eight members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as its chairman. The Majority Leader shall appoint four other members from the majority party and three members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees.
2. The five-day standing committee is Appropriations: (~~14~~ 13 members) Bills and resolutions referred or rereferred under Senate Rule 329.
3. The three-day standing committees are:
  - a. Education: (7 members)  
Public Schools; Libraries; and Institutions of Higher Learning
  - b. Finance and Taxation: (7 members)  
Public Debt; Taxes and Tax Laws.
  - c. Human Services: (~~7~~ 6 members)  
Human Services; Public Health; and Public Safety.
  - d. Industry, Business and Labor: (7 members)  
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.
  - e. Judiciary: (~~5~~ 7 members)  
Elections and Election Privileges; Judiciary.
4. The two-day standing committees are:
  - a. Agriculture: (~~5~~ 7 members)  
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.

- b. Government and Veterans Affairs: (7 members)  
State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; and State Historical Society and State Parks.
  - c. Natural Resources: (~~7~~ 6 members)  
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
  - d. Political Subdivisions: (7 members)  
Cities; Counties; Townships; Park Districts; Apportionment.
  - e. Transportation: (7 members)  
Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.
5. The procedural committees are:
- a. Arrangements for Senate Committee Rooms, to consist of three members.
  - b. Correction and Revision of the Journal, to consist of three members.
  - c. Delayed Bills, to consist of five members.
  - d. Employment, to consist of five members.
  - e. Inaugural Planning, to consist of three members.
  - f. ~~Photography, to consist of three members.~~
  - g. Rules, to consist of nine members.
6. When an executive nomination is received, the Committee on Committees shall appoint a select committee to consider it. The select committee shall meet and consider the nominee forthwith, and shall report its recommendations to the Senate.

**SECTION 17. AMENDMENT.** Senate Rule 502 is amended as follows:

**502. LIMITATIONS ON COMMITTEE MEMBERSHIP.** Each member shall serve on two standing committees, ~~not including the Joint Constitutional Revision Committee,~~ 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, ~~including the Joint Constitutional Revision 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 ~~the committees~~ any committee to which the Minority Leader has been appointed.

**SECTION 18. AMENDMENT.** Senate Rule 503 is amended as follows:

**503. COMMITTEE CHAIRMAN.** ~~On all committees, the first named member is the chairman, and in the first named member's absence the next member named, and so on as often as the case happens, shall act as chairman.~~ The Majority Leader shall appoint the chairman and vice chairman of each committee. The Majority Leader shall designate a chairman if the appointed chairman and vice chairman are absent for an extended period of time.

**SECTION 19. AMENDMENT.** Senate Rule 504 is amended as follows:

**504. COMMITTEE MEETINGS.**

- 1. The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.
- 2. The three-day committees meet on Monday, Tuesday, and Wednesday of each week.

3. The two-day committees meet on Thursday and Friday of each week.
4. ~~Any committee that meets on Wednesday and which has a member who is also a member of the Joint Constitutional Revision Committee may not meet during the time the Joint Constitutional Revision Committee meets. Any committee that meets on Wednesday may adjust its schedule to allow time for committees without regularly scheduled meeting times to meet.~~
5. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

**SECTION 20. AMENDMENT.** Senate Rule 507 is amended as follows:

**507. 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 Council, 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 resolution directing an interim study by the Legislative Council 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-first legislative day. A resolution directing an interim study by the Legislative Council 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 thirty-seventh legislative day. ~~A resolution 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-fourth legislative day.~~ 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 fifty-fifth legislative day.

**SECTION 21. AMENDMENT.** Senate Rule 508 is amended as follows:

**508. RECALLING MEASURE FROM COMMITTEE.** The chairman of any committee to which a bill or resolution has been referred, if so ordered by a motion made by the Majority Leader or the chairman of the committee and approved by the majority of the Senate members present, shall report the bill or resolution back to the Senate forthwith. ~~Any member may move to have a bill or resolution of which that member is prime sponsor recalled from committee for purposes of withdrawal, if approved by unanimous consent of the Senate.~~

**SECTION 22. AMENDMENT.** Joint Rule 202 is amended as follows:

**202. RECEDING BEFORE CONFERENCE.** Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority of the members-elect governs, except in a case where two-thirds are of the members-elect is required by the Constitution, and the question having been put and lost, may not be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

**SECTION 23. AMENDMENT.** Joint Rule 203 is amended as follows:

**203. LIMITATION ON MESSAGING OF MEASURES - CROSSOVER DAYS.**

1. No bill that has passed one house may be sent to the other house for concurrence after the thirty-fourth legislative day, except a bill ~~introduced with the approval of the Delayed Bills Committee or introduced with the concurrence of two thirds or more of the members of the house of~~ approved for introduction after the deadline for introduction of bills.
2. No resolution directing the Legislative Council to carry out a study which has passed one house may be sent to the other house for concurrence after the fortieth legislative day, except a study resolutions introduced after the thirty-fourth legislative day with the approval of the Delayed Bills Committee or introduced with the concurrence of two thirds or more of the members of the house of resolution approved for introduction after the deadline for introduction of study resolutions.

**SECTION 24. AMENDMENT.** Joint Rule 204 is amended as follows:

**204. RETURNING OF MEASURES.** Either house, upon majority vote of the members present, shall return any bill or resolution requested by motion of the other house, if the bill or

resolution is yet in possession of the house called on, and no action thereon has been had. In case action has been had, then it requires a two-thirds vote of the members present of the house asked to return a bill or resolution called for.

**SECTION 25. AMENDMENT.** Joint Rule 206 is amended as follows:

**206. CONSENT CALENDAR.**

1. Each standing committee may report an uncontested ~~amendment,~~ 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 ~~amendment,~~ bill, or resolution" means any ~~amendment,~~ bill, or resolution, except an ~~amendment~~ of a bill providing an appropriation, which receives a do pass or do pass as amended 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 ~~amendments,~~ 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 Council 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 ~~amendment,~~ 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 ~~amendment,~~ bill, or resolution, any contested resolution, or any Legislative Council 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.
7. No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.

**SECTION 26. AMENDMENT.** Joint Rule 207 is amended as follows:

**207. CONSIDERATION OF ITEMS ON CONSENT CALENDAR.**

1. ~~Amendments, bills,~~ Bills or resolutions on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the House shall allow a reasonable time for questions from the floor and shall permit the proponents of the ~~amendments,~~ bills, or resolutions to answer the questions.
2. The question of the final passage of more than one item contained on the consent calendar may be voted on in a single ~~roll-call~~ vote if the vote is on either ~~amendments,~~ bills, or resolutions and not on any combination thereof in the same ~~roll-call~~ vote.
3. Immediately prior to voting on the first consent calendar ~~amendments,~~ bills, or resolutions, the President of the Senate or the Speaker of the House shall call to the attention of the members the fact that the next ~~roll-call~~ vote will be the ~~roll-call~~ vote on the ~~amendments,~~ bills, or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 339.
4. The consent calendar must be considered immediately prior to the consideration of ~~amendments, with respect to committee reports for amendment,~~ or of bills and resolutions on second reading and final passage in the regular calendar.

**SECTION 27. 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 they wish to have introduced no later than December tenth before the ensuing regular session. Each 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 shall file with the Legislative Council those bills making appropriations to implement the budget recommended by the Governor no later than December tenth before the ensuing regular session and those bills are deemed introduced by the Appropriations Committee of the House or Senate 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 House or Senate 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 House or Senate at the request of the Legislative Council. The Legislative Council shall number and deliver ~~those~~ bills filed under this rule to the President of the Senate or the Speaker of the 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 28. AMENDMENT.** Subdivision b of subsection 2 of Joint Rule 501 is amended as follows:

- b. A bill or resolution to which an amendment having a fiscal effect of five thousand dollars or more has been approved must have a fiscal note attached upon request of the chairman of the committee considering the bill or resolution, or by request of the majority of the members present of the house in which the bill is considered at the time of second reading.

**SECTION 29. AMENDMENT.** Joint Rule 502 is amended as follows:

**502. FISCAL NOTES FOR BILLS MEASURES IMPACTING COUNTIES AND, CITIES, OR SCHOOL DISTRICTS.**

1. ~~All bills and resolutions~~ Every bill or resolution introduced into either house of the Legislative Assembly which ~~mandate~~ mandates changes in the revenues, expenditures, or fiscal liability of counties ~~or, cities, or school districts~~ must have a fiscal note attached reflecting the statewide impact of the bill or resolution on counties or, cities, or school districts.
2. If no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note otherwise required by this rule, a statement to that effect must be attached to the bill or resolution by the party responsible for requesting the fiscal note pursuant to subsection 2 of Joint Rule 501. A statement attached pursuant to this subsection meets the fiscal note requirement.
3. The same requirements and procedures provided in Joint Rule 501 for state fiscal notes, including preparation, deadlines, forms, and reading of fiscal notes on second reading and final passage, apply to fiscal notes for counties ~~and, cities, and school districts~~ except as provided in this rule.

**SECTION 30. AMENDMENT.** Joint Rule 603 is amended as follows:

**603. PRINTING AND DISTRIBUTION OF MEASURES AND JOURNALS.**

1. Five hundred copies of each bill; and ~~three~~ four hundred copies of each resolution; must be printed. After the initial order is printed, the ~~Chief Bill and Journal Room Clerk~~ supervisor of the bill and journal room may order additional copies to be printed to meet demand.
2. One hundred copies of each bill and resolution engrossed under Senate Rule 334 and House Rule 334 must be printed on request of the Chief Clerk of the House or the Secretary of the Senate. After the initial order is printed, the supervisor of the bill and journal room may order additional copies to be printed to meet demand.
3. Bill room employees, under the supervision of the Chief Clerk of the House or the Secretary of the Senate, as the case may be, may, as time and physical space

allow, set aside not more than one copy of each bill or resolution to be delivered to any person who subscribes to receive a copy of each bill and resolution introduced. The employees also may set aside not more than one copy of each engrossed bill or resolution and reengrossed bill or resolution to be delivered to any person who subscribes to receive a copy of each bill and resolution introduced. The Legislative Management Committee of the Legislative Council shall establish appropriate fees for this service. Not more than five copies of a limited number of specified bills and resolutions may be delivered to persons who personally request the bills and resolutions.

- ~~3-~~ 4. Persons who subscribe to receive a set of bills and resolutions as of the first day of the regular session have priority for receiving bills and resolutions pursuant to this rule.
- ~~4-~~ 5. This rule does not apply to the staff of the Legislative Council which may have such number of bills set aside as are necessary to aid it in carrying on legislative business.
- ~~5-~~ 6. Bill room employees may not distribute more than five bills to any one person, except to legislators, legislative employees, and members of the Legislative Council staff, and persons who subscribe to receive more than five sets of bills and resolutions.
- ~~6-~~ 7. The journals of the Senate and House must be printed as provided in Senate Rule 204 and House Rule 204, and bill room employees shall distribute copies of daily journals.

**SECTION 31.** Joint Rule 1001 is created as follows:

**1001. LEGISLATIVE ETHICS POLICY.**

1. The Legislative Assembly always seeks a high reputation for progressive accomplishment where its members are public officers of integrity and dedication, maintaining high standards of ethical conduct.
2. The public interest is best served by attracting and retaining in the Legislative Assembly citizens of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government of the services of well-qualified citizens.
3. Membership in the Legislative Assembly is not a full-time occupation and is not compensated on that basis. Membership is in two-year or four-year terms, requiring each member to recognize and contemplate that election will not provide any career tenure. These characteristics ensure that each member is rooted to a community and that legislation reflects the needs and values of citizens.
4. A member such as a teacher, administrator, state employee, farmer, labor leader, lawyer, independent business person, or any salaried employee must look to a source of income from other than legislative compensation for sustenance and support; moreover, every member must plan for return to that individual's regular employment, business, or profession.
5. The increasing complexity of public policy at all levels, with intervention into private affairs, makes conflicts of interest almost inevitable for every part-time public official, and particularly for a member who must vote on measures affecting the life of every citizen or resident of the state. Consequently, the adoption of standards of ethics does not impugn a member's integrity or dedication; rather, it recognizes the increasing complexity of government and private life and provides members with helpful advice and guidance when confronted with difficult problems in that gray area involving action that is neither clearly right nor clearly wrong.
6. Ethical conduct is expected of all who participate in the legislative process, including lobbyists, legislative staff, government employees, interest groups, the media, and others. All participants in the legislative process should recognize the importance of their role to support each member's ethical duty to make independent judgments.
7. If public confidence in the Legislative Assembly is to be maintained and enhanced, it is not enough that members avoid acts of misconduct. They also must avoid acts that may create an appearance of misconduct.

**SECTION 32.** Joint Rule 1002 is created as follows:

**1002. RECOGNITION OF ETHICAL STANDARDS.** The resolution of ethical problems must rest largely in the individual conscience. The Legislative Assembly may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety. Unless otherwise provided by law, no criminal penalty applies to a member who engages in conduct that is inconsistent with this section. However, in striving to maintain ethical standards, each member should recognize the importance of:

1. Complying with all other rules relating to ethics, including Joint Rule 901 regarding sexual harassment and Senate and House Rules 321 regarding disclosure of personal or private interest when voting.
2. Acknowledging that the public trust requires each member to make a consistent effort to be well-informed about legislative issues and legislative proposals and to resist influences that may bias the member's independent judgment.
3. Acknowledging that accountability requires members to maintain communication with constituents, to remain open to constructive comment, and to exercise leadership in helping constituents understand legislative issues.
4. Acknowledging that institutional responsibility requires members to remain committed to the integrity and maintenance of the legislative branch.
5. Not using or attempting to use the member's influence in any matter involving a substantial conflict between the member's personal interest and duties in the public interest.
6. Not using the member's official position to obtain financial gain for the member, the member's family, or a business associate or to secure privileges or exemptions in direct contravention of the public interest.

**SECTION 33.** Joint Rule 1003 is created as follows:

**1003. RECOGNITION OF CONSTITUTIONAL AND STATUTORY PROVISIONS.** Members should apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, including Article IV, Section 9, of the Constitution of North Dakota, which prohibits vote trading; Article IV, Section 10, of the Constitution of North Dakota, which provides for expulsion for corruption, bribery, perjury, or other infamous crimes; Article IV, Section 12, of the Constitution of North Dakota, which prohibits contempt or disorderly behavior; North Dakota Century Code Chapter 12.1-12, which prohibits bribery and unlawful influence of public servants; North Dakota Century Code Section 12.1-13-01, which prohibits disclosure of confidential information; North Dakota Century Code Section 12.1-13-02, which prohibits acquisition of a pecuniary interest in property or an enterprise in contemplation of official action or in reliance on information accessed as a public servant; North Dakota Century Code Section 12.1-13-03, which prohibits a public servant from becoming interested individually in the sale or lease of property or a contract for which the public servant is authorized to transact; North Dakota Century Code Sections 12.1-14-02 and 12.1-14-03, which prohibit interference with voting; North Dakota Century Code Sections 12.1-23-03 and 12.1-23-05, which prohibit theft to obtain services while a public servant; North Dakota Century Code Section 12.1-23-07, which relates to the use of property entrusted to a public servant; North Dakota Century Code Chapter 16.1-08.1, which relates to campaign contributions and campaign contributing statements; North Dakota Century Code Chapter 16.1-09, which relates to statements of interest; North Dakota Century Code Chapter 16.1-10, which relates to corrupt election practices; North Dakota Century Code Sections 39-01-03 and 39-01-05, which prohibit the private or political use of state motor vehicles; North Dakota Century Code Section 44-08-19, which relates to political activities by public employees; North Dakota Century Code Section 48-02-12, which prohibits the interest in public contracts by a member of a governing board; North Dakota Century Code Section 54-02-01, which governs the use of the Great Seal; North Dakota Century Code Chapter 54-05.1, which relates to legislative lobbying; and North Dakota Century Code Section 54-06-12, which prohibits false statements regarding state departments, institutions, or industries.

**SECTION 34.** Joint Rule 1004 is created as follows:

**1004. LEGISLATIVE ETHICS CLASSES - PUBLICATION OF INFORMATION RELATING TO ETHICS.** During each organizational session and at other times as deemed appropriate, the Legislative Council shall conduct classes on legislative ethics and laws governing the activities and conduct of public officials, including criminal laws, election

practices, and conflicts of interest. Before each regular legislative session, the Legislative Council shall distribute a document to all members which includes constitutional provisions, statutes, legislative rules, and other pertinent information regarding ethical conduct in the legislative process.

**SECTION 35. REPEAL.** Joint Rule 303 is repealed.

**SEN. GOETZ MOVED** that the report be adopted.

#### REQUEST

**SEN. NOTHING REQUESTED** a recorded roll call vote, which request was granted.

#### ROLL CALL

The question being on the adoption of the report of the Rules Committee, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Cook; Tomac; Yockim

The Senate adopted the report of the Rules Committee.

#### REPORT OF PROCEDURAL COMMITTEE

**MADAM PRESIDENT:** Your procedural **Committee on Committee Arrangements for Senate Committee Rooms (Sen. St. Aubyn, Chairman)** recommends that the Senate use the same committee rooms as were used during the Fifty-fourth Legislative Session. These 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. ST. AUBYN MOVED** that the report be adopted, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

**MADAM PRESIDENT:** Your procedural **Employment Committee (Sen. Naaden, Chairman)** recommends the following as employees of the Senate during the Fifty-fifth Legislative Organizational Session:

#### Session Employees

Secretary of the Senate	William C. Parker
Desk Reporter	Karen Hoovestol
Sergeant-at-Arms	Mel Beckler
Assistant Sergeant-at-Arms/ Supply Room Coordinator	Tom Middlekamp
Secretary to Majority Leader	Renae Doan
Secretary to Minority Leader	Sandi Kershaw
Staff Assistant to Majority Leader	Carter Wood

**SEN. NAADEN MOVED** that the report be adopted.

#### REQUEST

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

**ROLL CALL**

The question being on the adoption of the report of the Employment Committee, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Cook; Tomac; Yockim

The Senate adopted the report of the Employment Committee.

**MOTION**

**SEN. G. NELSON MOVED** that the Senate stand in recess for five minutes, which motion prevailed.

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

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Committee on Committees (Sen. G. Nelson, Chairman)** recommends the following as the proposed chairmen, vice-chairmen, and members of Standing Committees:

**APPOINTMENT OF STANDING COMMITTEES - SENATE****Appropriations Committee**

Nething - Chairman  
Naaden - Vice Chairman  
Lips  
Holmberg  
Goetz  
Nalewaja  
Solberg  
St. Aubyn  
Bowman

Krauter  
Redlin  
Robinson  
Tallackson

**Education Committee**

Freborg - Chairman  
Grindberg - Vice Chairman  
Wanzek  
Cook

Kelsh  
O'Connell  
Wogsland

**Finance and Taxation Committee**

Urlacher - Chairman  
Kringstad - Vice Chairman  
Christmann  
Schobinger

Heitkamp  
Tomac  
Kinnoin

**Human Services Committee**

Thane - Chairman  
Lee - Vice Chairman  
B. Stenehjem  
Fischer

DeMers  
Yockim

**Industry, Business and Labor Committee**

Mutch - Chairman  
Sand - Vice Chairman  
Krebsbach  
Klein

LaFountain  
Lindaas  
Thompson

**Judiciary Committee**

W. Stenehjem - Chairman  
Watne - Vice Chairman  
Traynor  
Andrist

Berg  
Mutzenberger  
C. Nelson

**Agriculture Committee**

Wanzek - Chairman  
 Klein - Vice Chairman  
 Sand  
 Urlacher

Heitkamp  
 Kinnoin  
 Tomac

**Government and Veterans Affairs Committee**

Krebsbach - Chairman  
 Kringstad - Vice Chairman  
 W. Stenehjem  
 Thane

DeMers  
 LaFountain  
 C. Nelson

**Natural Resources Committee**

Traynor - Chairman  
 Christmann - Vice Chairman  
 Freborg  
 Fischer

Kelsh  
 Thompson

**Political Subdivisions Committee**

Andrist - Chairman  
 Lee - Vice Chairman  
 Grindberg  
 Watne

Berg  
 Mutzenberger  
 Yockim

**Transportation Committee**

B. Stenehjem - Chairman  
 Schobinger - Vice Chairman  
 Mutch  
 Cook

Lindaas  
 O'Connell  
 Wogsland

**SEN. G. NELSON MOVED** that the report be adopted, which motion prevailed.

**MOTION**

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 10:30 a.m., at which time they will reconvene for the Joint Session in the House and on completion of the Joint Session, the Senate stand adjourned until 12:00 noon, Monday, January 6, 1997, which motion prevailed.

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

**William C. Parker, Secretary**