

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Sixty-ninth Legislative Assembly

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Bismarck, December 4, 2024

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

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

The roll was called and all members were present except Senators Dwyer and Marcellais.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 8:40 a.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

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

**2025 NORTH DAKOTA LEGISLATIVE ASSEMBLY
SENATE STANDING COMMITTEES**

APPROPRIATIONS

Brad Bekkedahl - Chairman
Robert Erbele - Vice Chairman

Education and Environment

Ronald Sorvaag - Chairman
Cole Conley
Scott Meyer
Donald Schaible
Paul J. Thomas

Government Operations

Terry M. Wanzek - Chairman
Randy A. Burckhard
Michael Dwyer
Robert Erbele
Jonathan Sickler

Human Resources

Dick Dever - Chairman
Sean Cleary
Kyle Davison
Jeffery J. Magrum

Tim Mathern

EDUCATION

Todd Beard - Chairman
Randy D. Lemm - Vice Chairman
Michelle Axtman
Justin Gerhardt
Mike Wobbema

Josh Boschee

FINANCE AND TAXATION

Mark F. Weber - Chairman
Dean Rummel - Vice Chairman
Dale Patten
Michelle Powers
Chuck Walen
Richard Marcellais

HUMAN SERVICES

Judy Lee - Chairman
Kent Weston - Vice Chairman
David A. Clemens
Kristin Roers
Desiree Van Oosting
Kathy Hogan

INDUSTRY AND BUSINESS

Jeff Barta - Chairman
Keith Boehm - Vice Chairman
Mark Enget
Greg Kessel
Jerry Klein

JUDICIARY

Diane Larson - Chairman
Bob Paulson - Vice Chairman
Jose L. Castaneda
Claire Cory
Larry Luick
Janne Myrdal
Ryan Braunberger

AGRICULTURE AND VETERANS AFFAIRS

Larry Luick - Chairman
Janne Myrdal - Vice Chairman
Randy D. Lemm
Mark F. Weber
Kent Weston
Richard Marcellais

ENERGY AND NATURAL RESOURCES

Dale Patten - Chairman
Greg Kessel - Vice Chairman
Todd Beard
Keith Boehm
Mark Enget
Justin Gerhardt
Desiree Van Oosting

STATE AND LOCAL GOVERNMENT

Kristin Roers - Chairman
Jose L. Castaneda - Vice Chairman
Jeff Barta
Judy Lee
Chuck Walen
Ryan Braunberger

TRANSPORTATION

David A. Clemens - Chairman
Claire Cory - Vice Chairman
Jerry Klein
Bob Paulson
Dean Rummel
Kathy Hogan

WORKFORCE DEVELOPMENT

Mike Wobbema - Chairman
Michelle Axtman - Vice Chairman
Josh Boschee

Diane Larson
Michelle Powers

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Rules Committee (Sen. Klein, Chairman)** recommends that the Senate and Joint Rules of the Sixty-eighth Legislative Assembly, as in effect at the conclusion of the regular legislative session, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-ninth Legislative Assembly, and the reading of the report be dispensed with:

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

204. Preparation and ~~distribution~~ of the journal.

1. Upon completion of the Senate journal for a legislative day, the Secretary shall deliver to the printer having the contract for printing the legislative journals a complete copy of the Senate journal.
2. ~~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.~~
3. Before the Senate goes into session again, the Committee on Correction and Revision of the Journal shall carefully examine and review the journal of the previous legislative day. The committee shall note any errors or omissions and report the errors or omissions to the Senate for action.
- 4.3. The printer shall set aside twenty-four copies of the daily journal. Upon termination of the legislative session, the printer shall deliver these copies to the contract binder, who shall assemble the copies into twenty-four sets of permanent journals.
- 5.4. The permanent journals must be bound in hard covers and deposited with the Secretary of State. The Secretary of State shall preserve two sets and attach the Secretary of State's certificate to those sets showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. From the remaining sets, the Secretary of State shall forward one set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, three sets to the Legislative Council, one set to the Secretary of the Senate, and one set to each judicial district as determined by the presiding judge of the district. The number of sets set aside in subsection 4.3 and delivered to the State Library may be reduced by five if the State Library is authorized to accept copies of the journals in an electronic format.
6. ~~The Secretary of the Senate shall compile two sets of the daily journals. The Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.~~

SECTION 2. AMENDMENT. Senate Rule 205 is amended as follows:

205. Duties of Sergeant-at-Arms.

1. The Sergeant-at-Arms of the Senate, under the direction of the presiding officer, is the executive officer of the body for the enforcement of all rules adopted by the Senate for the regulation of the Senate.
2. The Senate floor is under the immediate supervision of the Sergeant-at-Arms. The Sergeant-at-Arms shall see that the Deputy Sergeant-at-Arms and the Assistant Sergeants-at-Arms perform the duties to which they are especially assigned. The

Sergeant-at-Arms shall perform all other services and duties pertaining to the office and as directed by the presiding officer.

3. The Sergeant-at-Arms shall clear the floor:
 - a. Senate chamber, excluding the balcony of the Senate chamber, of all persons, except legislators, legislative employees, legislative guests, and properly identified representatives of the media, during the time period commencing thirty minutes before the Senate convenes on any legislative day and ending when the Senate convenes for that calendar day.
 - b. Floor of the Senate chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, and properly identified representatives of the media, during the time period commencing sixty minutes before the Senate convenes on any legislative day and ending when the Senate recesses for that calendar day.
4. ~~The Sergeant-at-Arms also shall act as the supply clerk for the Senate, and is responsible for ordering and distributing supplies and stationery needed by Senate members and Senate employees. The Sergeant at Arms may maintain a supply room, if space is available, and has sole control over the supply room, provided that the supply room may be operated jointly in cooperation with the House Sergeant-at-Arms.~~

SECTION 3. 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
Procedural Appropriations Committee Clerk.....	1
Technological Appropriations Committee Clerk.....	1
Bill and Recording Clerk.....	1
Calendar Clerk.....	1
Procedural Assistant Appropriations Committee Clerks.....	3
Technological Assistant Appropriations Committee Clerks.....	3
Procedural Committee Clerks.....	5
Technological Committee Clerks.....	5
Chief Page.....	1
Quality Assurance Clerk.....	42
Deputy Sergeant-at-Arms.....	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.	
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 4. AMENDMENT. Senate Rule 317 is amended as follows:

317. Nondebatable motions. The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Reading of papers.
6. Withdrawal of motion.
7. Suspension of the rules.
8. Lay on the table.
9. Previous question.
10. Close, limit, or extend debate.
11. ~~Permit a member to vote.~~

SECTION 5. AMENDMENT. Senate Rule 321 is amended as follows:

321. Vote by members.

1. Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the Senate, unless the Senate excuses the member. ~~If the member has not voted before the key is closed, the member shall vote before the vote is announced. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the Senate by that other member while present. However, any~~
2. Any member who has may have a personal or private interest in any measure ~~or bill~~ shall disclose the fact to the Senate and may ~~not vote~~ abstain from voting thereon ~~without~~ with the consent of the Senate.
3. A "personal or private interest" is an interest that affects the member directly, individually, and uniquely, ~~and~~ substantially.
 - a. "Directly" means immediately or without additional intervening action or decision.
 - b. "Individually" means for a reason other than belonging to a group, including as a member of a profession, occupation, industry, region, or the general public.
 - c. "Uniquely" means in a way that is distinct from the general public.

4. If a member inadvertently fails to disclose a personal or private interest, the member may report the failure to disclose to the President not later than twenty-one days after sine die of the legislative session. The President shall report a summary of the failure to disclose on the floor, if possible. The disclosure must be recorded in the journal.
5. A member may not cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the Senate by that other member while in the chamber.
6. If the member has not voted before the key is closed, the member shall vote before the vote is announced.

SECTION 6. AMENDMENT. Senate Rule 322 is amended as follows:

322. Procedure in excusing member from voting.

1. When a member asks to be excused, or declines to vote from voting, the member shall be required to state the member's reasons with enough underlying facts for the Senate to make an informed decision.
2. Upon motion, the question must be put to the Senate, "Shall the member, for the reasons stated, be permitted to vote excused from voting?" which must be decided without debate. These proceedings must occur before the taking of the vote.
3. Before voting, the Senate shall evaluate the member's personal or private interest, shall give deference to subsection 7 of Joint Rule 1001, and may discuss the question on the floor.
4. Notwithstanding a member failing to receive the consent of the Senate to abstain from voting under Senate Rule 321, if a member reasonably believes voting will subject the member to civil or criminal liability, a member may abstain from voting by announcing the member's abstinence from voting on the floor and citing this subsection.

SECTION 7. AMENDMENT. Senate Rule 329 is amended as follows:

329. Measures referred to Appropriations Committee.

1. Every bill providing an appropriation of fifty 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 with a fiscal note stating the measure has an effect of two hundred 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-sixth~~ twenty-third legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the 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-sixth~~twenty-third or fifty-fifth legislative day, as appropriate.

SECTION 8. AMENDMENT. Joint Rule 603 is amended as follows:

603. Printing and distribution of ~~measures and journals~~legislative documents.

1. ~~The Legislative Council shall determine the number of copies of each bill and resolution to be printed. After the initial order is printed, the supervisor of the bill and journal room may order additional copies to be printed to meet demand.~~
2. ~~The Legislative Council shall determine the number of copies of each bill and resolution engrossed under Senate Rule 335 and House Rule 335 to be printed, as well as the number to be printed when requested by the Secretary of the Senate or Chief Clerk of the House. 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~~Legislative employees 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 Procedure and Arrangements Committee shall establish appropriate fees for this service. Not provide no 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. This limit does not apply to legislators, legislative employees, or members of the Legislative Council staff.
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.~~
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.~~
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.~~
- 7.2. ~~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. Legislative employees may provide copies of daily journals, daily calendars, and committee hearing schedules to legislators, legislative employees, and members of the Legislative Council staff upon request.~~

SEN. KLEIN MOVED that the report be adopted.

SEN. KLEIN REQUESTED a division of the procedural committee report, which request was granted.

DIVISION A: The new language in Section 2 related to Subdivision A of Subsection 3 of Senate Rule 205

DIVISION B: The remainder of the bill

SEN. KLEIN REQUESTED a verification vote on Division A of the procedural committee report, which request was granted.

SEN. MAGRUM REQUESTED a recorded roll call vote on Division A of the procedural committee report, which request was granted.

ROLL CALL

The question being on the final adoption of Division A of the procedural committee report, the roll was called and there were 28 YEAS, 17 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Bekkedahl; Boehm; Burckhard; Castaneda; Clemens; Conley; Cory; Davison; Enget; Gerhardt; Hogue; Lemm; Luick; Magrum; Mathern; Myrdal; Paulson; Powers; Sickler; Thomas; Van Oosting; Walen; Wanzek; Weber; Weston; Wobbema

NAYS: Axtman; Boschee; Braunberger; Cleary; Dever; Erbele; Hogan; Kessel; Klein; Larson; Lee; Meyer; Patten; Roers; Rummel; Schaible; Sorvaag

ABSENT AND NOT VOTING: Dwyer; Marcellais

Division A of the procedural committee report was adopted on a recorded roll call vote.

SEN. MYRDAL requested a further division of the procedural committee report, which request was granted.

DIVISION C: Sections 4, 5, and 6

SEN. KLEIN REQUESTED a verification vote on Division C of the procedural committee report, which request was granted.

Division C of the procedural committee report failed on a verification vote.

Division B of the procedural committee report was adopted on a verification vote.

The question being on the final passage of the procedural committee report, which includes Division A and Division B, the motion prevailed on a verification vote.

POINT OF PERSONAL PRIVILEGE

SEN. CONLEY rose on a point of personal privilege.

REMARKS OF SENATOR CONLEY

MADAM PRESIDENT: Madam President, on Monday I learned that my long-time friend, Senator Dave Nething passed away. There are several in this chamber that have had the privilege of serving with Senator Nething.

Dave was widely known as the "Dean of the ND Legislative Assembly." He retired after a record 46 years of public service. At the time he became the longest serving Republican State Senator in the United States. He was Majority Leader for 12 years.

Our deepest condolences to Marge and their 3 children, 5 grandchildren, and 3 great-grandchildren. Senator Nething set a high bar in the ND Senate and will be missed by all who knew him.

REQUEST

SEN. KLEIN REQUESTED that the remarks of Sen. Conley be printed in the Journal, which request was granted.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 10:00 a.m., at which time it will meet in joint session with the House, and after the joint session, the Senate stand adjourned until 12:00 p.m., Tuesday, January 7, 2025, which motion prevailed.

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

Shanda Morgan, Secretary