

First Day of
Legislative Organizational Session
and
Fiftieth Legislative Assembly, State of North Dakota, in
Special Session, begun and held at the Capitol in the City
of Bismarck, on Tuesday, the second day of December,
one thousand nine hundred and eighty-six

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

* * * * *

Bismarck, December 2, 1986

At the hour of 9:00 a.m., on the second day of December, 1986, according to the Constitution and Statutes of the State of North Dakota, the holdover members and members elected to the Senate of the Fiftieth Legislative Assembly of the State of North Dakota, assembled in the North Dakota State Capitol Building at Bismarck, North Dakota, and were called to order by the Honorable Ruth Meiers, Lieutenant Governor of the State of North Dakota.

CERTIFICATION

The list of the qualified members and holdover members as certified by the Secretary of State was read by the 1985 Secretary of the Senate, Leo Leidholm, as follows:

Secretary of the Senate
Fiftieth Legislative Assembly
Bismarck, North Dakota 58505

Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of those duly elected as members of the Senate of the Fiftieth Legislative Assembly of the State of North Dakota:

Dist. No. - Counties or Parts Thereof	Name	Address
1. Williams	Jim Yockim	Williston
3. Renville, Ward	Jerry Meyer	Berthold
5. Ward	Larry W. Schoenwald	Minot
7. McHenry, Pierce	Ben Axtman	Rugby
9. Rolette	Allen Richard	Dunseith
11. Pembina, Walsh	F. Kent Vosper	Neché
13. Cass	Clayton A. Lodoen	West Fargo
15. Ramsey	Floyd Stromme	Devils Lake
17. Grand Forks	Ray Holmberg	Grand Forks
&		

JOURNAL OF THE SENATE

18.	Grand Forks		
19.	Grand Forks	Duane Mutch	Larimore
21.	Cass	Herschel Lashkowitz	Fargo
23.	Nelson, Griggs, Steele	Daniel K. Wogsland	Hannaaford
25.	Richland	Russell T. Thane	Wahpeton
27.	Ransom, Richland	James A. Dotzenrod	Wyndmere
29.	Stutsman	Art Todd	Jamestown
31.	Burleigh, Sheridan, Kidder	E. Gene Hilken	Wilton
33.	Mercer, Oliver	Joe Keller	Beulah
35.	Grant, Hettinger, Sioux	Adam Krauter	Regent
37.	Stark	Jerry Waldera	Dickinson
39.	Adams, Bowman, Billings, Golden Valley, Slope	R. R. (Rick) Maixner	New England
41.	Ward	James Maxson	Minot
43.	Grand Forks	R. V. "Dick" Shea	Grand Forks
45.	Cass	Donna Nalewaja	Fargo
47.	Burleigh	Evan E. Lips	Bismarck
49.	Burleigh	John M. Olson	Bismarck
51.	Cass	Tim Mathern	Fargo
53.	Morton	Walter Meyer	Mandan

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st Day of December, 1986.

BEN MEIER
Secretary of State
State of North Dakota

Secretary of the Senate
Fiftieth Legislative Assembly
Bismarck, North Dakota 58505

Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of the holdover Senators, elected at the general election in 1984 and duly qualified for the Fiftieth Legislative Assembly.

Dist. No. - Counties or Parts Thereof	Name	Address
2. Williams, Divide	Bruce Bakewell	Fortuna
4. Mountrail, Burke, Divide	Stanley Wright	Stanley
6. Bottineau, McHenry	Mark Adams	Lansford
8. McLean	Layton Freborg	Underwood
10. Cavalier, Towner, Walsh	Bill Heigaard	Langdon
12. Benson, Eddy,	Byron Langley	Warwick

	Ramsey		
14.	Wells, Foster	Bryce Streibel	Fessenden
16.	Walsh	Harvey D. Tallackson	Grafton
17.	Grand Forks	Jack Ingstad	Grand Forks
&			
18.	Grand Forks		
20.	Grand Forks, Traill	Malcolm S. Tweten	Buxton
22.	Cass	Gary J. Nelson	Casselton
24.	Barnes	Earl M. Kelly	Valley City
26.	Dickey, Sargent, Ransom	Jerome Kelsh	Fullerton
28.	Logan, LaMoire, Dickey, Barnes	Don Moore	Forbes
30.	Emmons, McIntosh, Burleigh, Logan	L. L. "Pete" Naaden	Braddock
32.	Burleigh	Bonnie Miller Heinrich	Bismarck
34.	Morton	Corliss Mushik	Mandan
36.	McKenzie, Dunn	Dean Meyer	Watford City
38.	Stark	Ray David	Dickinson
40.	Ward	Chester Reiten	Minot
&		Rolland W. Redlin	Minot
50.	Ward		
42.	Grand Forks	Wayne Stenehjerm	Grand Forks
43.	Grand Forks	R. V. Shea	Grand Forks
44.	Cass	Curtis N. Peterson	Fargo
46.	Cass	Jens J. Tennefos	Fargo
48.	Stutsman	David E. Nething	Jamestown
52.	Burleigh	Joseph A. Satrom	Bismarck
53.	Morton	Walter Meyer	Flasher

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st Day of December, 1986.

BEN MEIER
Secretary of State
State of North Dakota

POINT OF PERSONAL PRIVILEGE

SEN. HEIGAARD: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President, it was two years ago that we welcomed you into the North Dakota Senate chambers as the first woman Lieutenant Governor of the state, and we were pleased and proud to have you with us. We have watched you, Madam President, over the past year and have all been inspired and you have made us feel good with your courage. Madam President, we wish you the best and you know, Madam President, that our thoughts and prayers are with you always.

POINT OF PERSONAL PRIVILEGE

PRESIDENT MEIERS: Thank you, Senator Heigaard. I rise on a point of personal privilege.

Thanks to all of you who have written to me and have sent me cards. I've been deeply moved by the outpouring of care and concern in the state of North Dakota, and not only in the state of North Dakota but in other states as well. The good Lord has been with me and to Him goes the glory. Thank you very much.

ROLL CALL

The roll was called and all Senate members were present.

A quorum was declared by the President.

OATH OF OFFICE

SEN. HEIGAARD MOVED that a committee of two be appointed to escort Associate Justice Gerald Vandewalle of the Supreme Court of the State of North Dakota to the rostrum for the purpose of administering the Oath of Office to the newly elected Senators, which motion prevailed.

THE PRESIDENT APPOINTED as such committee Sens. J. Meyer and Stenehjem. Associate Justice Vandewalle was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

PRAYER

The prayer was offered by Rev. Ignatius David, First United Methodist Church, Bismarck.

Almighty God in whom we trust, and by whose guidance and grace this nation was born, bless every Senator and every leader of our state at this important time in history and give them all things needful to faithfully carry out their individual responsibilities.

Give to them good health for the physical strains of their office, good judgment for the decisions they must make, wisdom beyond their own, and clear understanding for the problems of this difficult hour.

We pray, oh God, that they would constantly rely upon Your strength and grace to bring to our people hope, confidence, and peace in the midst of severe economic difficulties.

May Your guiding presence be present with us in every deliberation that will be taking place on this floor. We offer this prayer through Jesus Christ, our Lord and Saviour. Amen.

Mr. John Olsrud, Director of the Legislative Council, explained the legislators' packets and other materials that were distributed to the desks of the Senate members.

POINT OF PERSONAL PRIVILEGE

SEN. OLSON: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President, members of the Senate: This morning we had the oath of office given to us and each Senator took that oath and I want my remarks recorded in the Journal, Madam President.

As we all know, the Senator from District 5 has been provisionally seated today. He has been provisionally seated because it is our contention that there is a court challenge to this Senate seat existing right now in the state courts in Minot or Ward County, North Dakota. That court challenge seeks to address the issue of irregularities that took place in the election process on election day this year. That irregularity is based on whether or not there is sufficient cause to believe that, as a result of those irregularities, the election result was thwarted to one side or another. The court is going to be reviewing that and there may even be perhaps an appeal of that decision from the Ward County District Court to the North Dakota Supreme Court. I believe that the court process should be allowed to take its course, and that we should watch with interest whether or not the court of this state decides that the people of District 5 are entitled to a review or a remedy. I submit to you that the remedy will be very clear - either the court is going to dismiss that court contest, that challenge, or it's going to order what has some precedent in the past - a new election to take place in the precinct where that irregularity took place.

The Senate, according to our rules, according to statute, and to the Constitution of this state, is the final authority in deciding the seating of its membership, and I believe that this process should take its ordinary course. If the court decides that a new election should take place and if that election turns out a result that is different than what we know to be the case as far as the certification of the Senator from District 5 today, then I believe that this body, as a result of this legal process will have to review that decision again. So, Madam President, I regard the seating of the Senator from District 5 as provisional today, pending the outcome of that court challenge that has already been filed, and as we anticipate the ruling from that court action and whether or not a new election will be held and a different result obtained. Thank you.

POINT OF PERSONAL PRIVILEGE

SEN. HEIGAARD: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President, there has been no record of any provisional seating of the Senator from District 5. He was seated along with the other elected Senators and his seating was no different than theirs. I would just point out, Madam President and members of the Senate, that the Senator from District 5 was certified by the State Canvassing Board. His certificate has been filed with the Secretary of State, as was read this morning, and there is no basis, legal or otherwise, that this was a provisional seating. I would reiterate the comments made by the minority leader in that the Senate is the judge of its members, and it made that decision this morning when the Senators were certified and took their oath.

MOTIONS

SEN. HEIGAARD MOVED that Perry Grotberg be nominated for the office of Secretary of the Senate.

SEN. MAIXNER seconded the motion.

SEN. HEIGAARD MOVED that nominations cease, which motion prevailed.

ROLL CALL

The question being on the selection of Perry Grotberg as the Secretary of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

Perry Grotberg was declared elected Secretary of the Senate.

REQUEST

SEN. HEIGAARD REQUESTED that Leo Leidholm act as the Assistant Secretary of the Senate during the Special Session, to which he graciously agreed.

MOTIONS

SEN. HEIGAARD MOVED that the name of Chris King be placed in nomination for the office of Desk Reporter of the Senate, which nomination was seconded.

ROLL CALL

The question being on the selection of Chris King as Desk Reporter of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

Chris King was declared elected Desk Reporter of the Senate. President Meiers then administered the Oath of Office to the Desk Reporter.

SEN. MAIXNER MOVED that the name of Doug Nordby be placed in nomination for the office of Sergeant-at-Arms of the Senate, which nomination was seconded.

SEN. HEIGAARD MOVED that nominations cease, which motion prevailed.

ROLL CALL

The question being on the selection of Doug Nordby as Sergeant-at-Arms of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

Doug Nordby was declared elected Sergeant-at-Arms of the Senate. President Meiers then administered the Oath of Office to the Sergeant-at-Arms.

ELECTION OF PRESIDENT PRO TEM

SEN. MAXSON: Madam President, it is my pleasure to nominate Senator Redlin from Minot as President Pro Tem, which nomination was seconded.

SEN. LIPS: Madam President, ladies and gentlemen of the Senate, it's a pleasure for me this morning to place the name of David Nething in nomination for the office of President Pro Tem. He has been in the Senate since 1967, I think he's served the Senate well - twelve years he was the Majority Floor Leader of this Senate, and I'm sure he treated the minority party with respect. It is a pleasure to place his name in nomination for President Pro Tem of the Senate.

The motion to nominate Senator Nething for the office of President Pro Tem prevailed.

SEN. MAIXNER MOVED that nominations cease, which motion prevailed.

ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 27 VOTES FOR REDLIN, 26 VOTES FOR NETHING, 0 ABSENT AND NOT VOTING.

VOTES FOR REDLIN: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nething; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

VOTES FOR NETHING: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

Senator Redlin was elected President Pro Tem of the Senate.

SEN. NETHING: Madam President, ladies and gentlemen of the Senate, that was a real heart stopper. First of all, Senator Lips, thank you for nominating me. For those of you who supported me I appreciate it very much. I've had that kind of support from the members of the Republican Caucus the years I served as Majority Leader and I truly appreciate it. For those of you that voted against me - I don't really call that as a vote against me, I call that as a vote for Senator Redlin, and you're forgiven - as if you cared. Madam President, what I'd really like to do is move

that the Senate cast a unanimous ballot for a longtime friend, a great legislator, one who truly has the interests of North Dakota at heart: Senator Rolland Redlin.

The motion was made and was seconded.

SEN. HEIGAARD: Madam President, I move that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum. The motion prevailed, and the President appointed Senator Maxson and Senator Reiten to accompany Senator Redlin to the rostrum.

President Pro Tem Redlin was escorted to the rostrum and President Meiers administered the Oath of Office.

PRESIDENT PRO TEM REDLIN: Madam President, members of the Senate, I deeply appreciate the honor and privilege that you have given me. I want to say that it wasn't a landslide until my good friend and associate of many years, Senator Nething, made it so. I'm sure that he set the tone of the way in which this body intends to proceed in what could be difficult times. I want to thank you, Senator Nething, and I appreciate my colleague, the newly elected senator from Minot, Senator Maxson, for placing my name in nomination.

I know that we will again demonstrate our love for our form of government. We're going to demonstrate that democracy is alive and it's healthy. We are going to disagree, but we'll never allow disagreement to become disrespect of each other for we will grant that each of us recognizes that the other is firm in the right as God gives him to see the right. These are difficult times. We will rise to the occasion and we will balance as the Constitution requires us to do.

I am proud to serve in this capacity, and I hope I am as unemployed as that proverbial washing machine repairman because I love and respect the excellent Lieutenant Governor that sits to my left at the moment. And I want you to know, Madam President, that I am here to be your factotum, to serve you in every way I can, to make your job a bit easier. Thank you very much.

MOTIONS

SEN. MAIXNER MOVED that the Senate and Joint Legislative Rules of the Forty-ninth Legislative Assembly, with amendments, be adopted as the temporary rules of the Senate for the organizational session of the Fiftieth Legislative Assembly, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 10:20 a.m., which motion prevailed.

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

POINT OF PERSONAL PRIVILEGE

SEN. OLSON: Madam President: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Madam President and members of the Senate, as I understand it, the seating will be done according to seniority. I just want to make the clarification that the seniority that will be read off in the Senate is based upon what has been provided by the Legislative Council concerning past service by the Senators in this body. Number one, those who have served the longest in the Senate will be seated first; when there are ties, in the event that several Senators may have served the same length of time, then the rule is that there will be a seating according to alphabetical order. If there are Senators who have had prior House service, then those Senators would be seated before those that did not, in case of a tie for service in the Senate. I believe that's the explanation I wanted to make, Madam President.

SELECTION OF SENATE SEATS

PRESIDENT MEIERS ANNOUNCED that Senate seats will be selected and preference would be given to those with the greatest seniority as follows:

1987
MEMBERS OF SENATE
(1987 Session not included)

DEMOCRAT

1987

MEMBERS OF SENATE
(1987 Session not included)

SENATE SENIORITY TABLE:

NAME	SESSIONS SERVED	TOTAL SENATE SESSIONS	TOTAL LEGISLATIVE SESSIONS
Redlin, Rolland W.	1959-61-63-73-75-77-79- 81-83-85	10	10
Lashkowitz, Herschel	1965-75-77-79-81-83-85	7	7
Tallackson, Harvey D.	1977-79-81-83-85	5	5
Heinrich, Bonnie	1977-79-[Nov. 81]-83-85	4	4
Dotzenrod, James A.	1979-81-83-85	4	4

Krauter, Adam	1977-79-83-85	4	4
Stromme, Floyd	1981-83-85	3	3
Heigaard, William S.	(House 1981)-[Nov. 81]-83 85	2	3
Maixner, Rick	(House 1977-79)-83-85	2	4
Hilken, E. Gene	1983-85	2	2
Meyer, Dean J.	1983-85	2	2
Meyer, Jerry	1983-85	2	2
Satrom, Joseph A.	1983-85	2	2
Waldera, Jerry	1983-85	2	2
Wogsland, Dan	1983-85	2	2
Mushik, Corliss	(House 1971-75-77-79- 81-83)-85	1	7
Meyer, Walter A.	(House 1975-77-79-81-83)- 85	1	6
Langley, Byron	(House 1973-75-77-79)-85	1	5
Kelsh, Jerome	1985	1	1
Shea, R. V.	1985	1	1
Richard, Allen	(House 1977-79-81-83-85)	0	5
Keller, Joe	(House 1983-85)	0	2
Schoenwald, Larry W.	(House 1983)	0	1
Axtman, Ben		0	
Mathern, Tim		0	
Maxson, Jim		0	
Yockim, Jim		0	

REPUBLICAN

1987

MEMBERS OF SENATE

SENATE SENIORITY TABLE:

NAME	SESSIONS SERVED	TOTAL SENATE SESSIONS	TOTAL LEGISLATIVE SESSIONS
Lips, Evan E.	1961-63-65-67-69-71-73- 75-77-79-81-83-85	13	13
Mutch, Duane	1959-61-63-65-67-69-71- 73-75-79-81-83-85	13	13
Nething, David E.	1967-69-71-73-75-77-79- 81-83-85	10	10
Thane, Russell T.	1971-73-75-77-79-81-83- 85	8	8
Naaden, Pete	1973-75-77-79-81-83-85	7	7
Reiten, Chester	1973-75-77-79-81-83-85	7	7
Wright, Stanley	1973-75-77-79-81-83-85	7	7
Peterson, Curtis N.	1973-77-79-81-83-85	6	6
Vosper, F. Kent	1975-77-79-81-83-85	6	6
Lodoen, Clayton A.	(House 1973)-77-79-81- 83-85	5	6
Tennefos, Jens J.	(House 1975)-77-79-81- 83-85	5	6
Holmberg, Ray	1977-79-81-83-85	5	5
Nelson, Gary J.	1977-79-81-83-85	5	5
Streibel, Bryce	(House 1957-59-63-65-67- 69-71-73)-81-83-85	3	11
Tweten, Malcolm S.	(House 1973-75-77-79)- 81-83-85	3	7
Stenehjem, Wayne	(House 1977-79)-81-83-85	3	5
Moore, Don	(House 1971)-81-83-85	3	4

Adams, Mark	1981-83-85	3	3
Bakewell, Bruce	1981-83-85	3	3
Kelly, Earl M.	1965-67-85	3	3
David, Ray	1983-85	2	2
Olson, John M.	1983-85	2	2
Todd, Art	1983-85	2	2
Freborg, Layton W.	(House 1973-75-79-81)-85	1	5
Ingstad, Jack	1985	1	1
Nalewaja, Donna	(House 1983-85)	0	2

PROCEDURAL COMMITTEES

SEN. HEIGAARD MOVED that a committee of seven be appointed to form, with the Majority Leader, the Committee on Committees, which motion prevailed. The President appointed as such committee, Sens. Heinrich, Stromme, Mushik, Maixner, Olson, Streibel, and Thane.

SEN. HEIGAARD MOVED that a committee of five be appointed to act as a Committee on Delayed Bills, which motion prevailed. The President appointed as such committee, Sens. Maixner, Kelsh, Heinrich, Ingstad, and Bakewell.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

The roll was taken and a quorum declared.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

EXECUTIVE ORDER 1986-6

I, GEORGE A. SINNER, GOVERNOR OF THE STATE OF NORTH DAKOTA, BY THE AUTHORITY VESTED IN ME, DO HEREBY CONVENE THE NORTH DAKOTA LEGISLATIVE ASSEMBLY INTO SPECIAL SESSION ON TUESDAY, DECEMBER 2, 1986, AT ONE O'CLOCK P.M. IN THE LEGISLATIVE CHAMBERS OF THE CAPITOL BUILDING IN BISMARCK, NORTH DAKOTA.

This Executive Order is issued upon the following bases and for the following reasons:

1. The Governor is vested with the executive power pursuant to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with the specific authority to call a special session of the Legislative Assembly pursuant to Article V, Section 5 of the North Dakota Constitution;
3. It is essential that the Legislative Assembly convene in special session in order to reconsider and make determinations upon appropriations and revenue shifts necessary to operate the governmental functions of the State of North Dakota for the remainder of the 1985-1987 biennium.

Executed at Bismarck, North Dakota, this eighteenth day of November, 1986.

GEORGE A. SINNER
Governor

ATTEST:
Ben Meier
Secretary of State

MOTIONS

SEN. HEIGAARD MOVED that a committee of three be appointed to notify the Governor and the House that the Senate is organized and ready to transact business for the Special Session.

THE PRESIDENT APPOINTED as such committee Sens. D. Meyer, Stromme, and Nalewaja.

SEN. HEIGAARD MOVED that a committee of nine be appointed to act as a Committee on Senate and Joint Rules.

THE PRESIDENT APPOINTED as such committee Sens. Heigaard, Maixner, Redlin, Waldera, Maxson, Holmberg, Lips, Reiten, and Wright.

SEN. OLSON ANNOUNCED that Sen. Nething would serve on the Committee on Senate and Joint Rules instead of Sen. Lips.

The President declared that the substitution be made.

SEN. D. MEYER ANNOUNCED that the committee appointed to notify the Governor and the House that the Senate is organized and ready to transact business has completed its task and requested that the committee be discharged, which request was granted.

The committee from the House was received and informed the Senate that the House is organized and ready to transact business.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess for the purpose of a joint session of the Special Session until 2:50 p.m., which motion prevailed.

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

MOTION

SEN. MAIXNER MOVED that the Senate and Joint Legislative Rules of the Forty-ninth Legislative Assembly as adopted on Thursday, December 6, 1984, be adopted as the Rules of the Senate for the extraordinary session of the Fiftieth Legislative Assembly, with the following amendments:

SECTION 1. AMENDMENT. Subsection 4 of Senate Rule 315 is hereby amended to read as follows:

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 333.
 - b. Reconsideration after clincher motion, as provided in Senate Rule 342.
 - c. Reconsideration after next legislative day, as provided in Senate Rule 341.
 - d. ~~Second reading same day as report, as provided in Senate Rule 332.~~
 - e- ~~Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.~~
 - f- Suspension of rules, as provided in Senate Rule 321.
 - g- e. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.

SECTION 2. Subsection 5 to Senate Rule 315 is hereby created to read as follows:

5. The following question requires the unanimous consent of the members of the Senate: Amendment of measures

from the floor except to amend the title, as provided in Senate Rule 328.

SECTION 3. AMENDMENT. Senate Rule 317 is hereby amended to read as follows:

317. AYE AND NAY VOTE

Except as required by the Constitution or these rules, the ayes and nays shall not be ordered unless demanded by any member if supported by five other requested by one-sixth of those members present. No person shall remain by the Secretary's desk when the ayes and nays are being called. When the ayes and nays are ordered pursuant to this rule, the results will be printed in the journal in their entirety.

SECTION 4. AMENDMENT. Senate Rule 318 is hereby amended to read as follows:

318. VOTE BY MEMBERS

Every member who is present, before the vote is declared from the chair, must vote for or against the question before the Senate, unless the Senate excuses him; provided, however, that any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and shall not vote thereon without the consent of the Senate pursuant to Section 21, Article IV, of the Constitution. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

SECTION 5. AMENDMENT. Senate Rule 328 is hereby amended to read as follows:

328. AMEND OR REREFER ON SECOND READING FROM THE FLOOR

On the second reading of every No amendment to a bill or resolution, other than one to amend the title, shall be considered on second reading without unanimous consent of the Senate, nor may any floor amendment be considered on sixth order without unanimous consent of the Senate. Any bill or resolution any amendment may be received and it may be rereferred at any time previous to its final passage. Upon request of a member, a floor amendment must be submitted in writing and distributed to each member.

SECTION 6. AMENDMENT. Senate Rule 332 is hereby amended to read as follows:

332. SECOND READING

No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of the State of North Dakota, and no resolution ratifying an amendment to the

Constitution of the United States shall be referred, except in the case of a bill or resolution which is prefiled pursuant to Rule 401, or amended until it shall have been read; nor shall any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the Senate by the committee to which it was referred; provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back, when so ordered by two-thirds of the members-elect of the Senate its first reading.

SECTION 7. AMENDMENT. Senate Rule 340 is hereby amended to read as follows:

340. NOTICE OF INTENTION TO RECONSIDER

Except on the thirty-third and on or after the fiftieth legislative days of the session, when notice of intention to move the reconsideration of any bill or resolution shall be given by a member, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, unless the same has previously been disposed of. When a member in explaining his vote states to the Senate that his vote is for the purpose of reconsideration, such statement shall be deemed to be notice of such intention.

SECTION 8. AMENDMENT. Subsection 1 of Senate Rule 401 is hereby amended to read as follows:

1. Any bill or resolution which conforms to statutory requirements and the rules herein set forth, within the time prescribed, may be introduced by any member, standing committee, or the Legislative Council, by filing the same with the Secretary of the Senate, who shall number or letter consecutively each bill or resolution.

SECTION 9. AMENDMENT. Subsections 1 and 2 of Senate Rule 402 are hereby amended to read as follows:

1. No bill shall be introduced after the fifteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the tenth legislative day, nor shall any or resolution, except those resolutions hereinafter provided for, may be introduced after the eighteenth legislative day, except upon the approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the Senate.
2. No bill introduced at the request of an executive agency or the Supreme Court shall be introduced after December fifteenth prior to the ensuing regular session, except upon approval of a majority of the Committee on Delayed Bills.

SECTION 10. AMENDMENT. Senate Rule 403 is hereby amended to read as follows:

403. DELAYED BILLS AND RESOLUTIONS

The Committee on the Introduction of Delayed Bills shall receive from the Secretary all bills and resolutions offered for introduction ~~after the time for introduction as heretofore limited~~, and shall, on the same or the next legislative day after receiving such bill or resolution, report to the Senate its conclusion whether the introduction of the bill or resolution should be allowed, and if a majority of the committee favors introduction, the bill or resolution shall be introduced. All such bills and resolutions shall bear the name or names of the original sponsors.

SECTION 11. AMENDMENT. Senate Rule 504 is hereby amended to read as follows:

504. MEETING OF COMMITTEES

- 1- The Committee on Appropriations shall meet on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.
- 2- The Committees on Finance and Taxation, Judiciary, Industry, Business, and Labor, Education, and State and Federal Government shall meet on Monday, Tuesday, and Wednesday of each week.
- 3- The Committees on Political Subdivisions, Social Services and Veterans Affairs, Transportation, Agriculture, and Natural Resources shall meet on Thursday and Friday of each week.
- 4- Any committees scheduled to meet on Wednesdays may adjust their schedules to allow time for the Joint Constitutional Revision Committee and 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 12. AMENDMENT. Subsections 2 and 3 of Senate Rule 601 are hereby amended to read as follows:

2. a. If the committee report is for passage with amendment or for amendment and do not pass, the proposed amendment shall be placed on the calendar ~~for the next legislative day on the sixth order of business.~~
- b. No action shall 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.

- e- If the amendment is adopted by a majority vote of the members present, the amended measure shall 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 f.
 - d- c. If the amendment is rejected, the measure without amendment shall 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 f.
 - e- d. If the committee report recommends that the measure pass, do not pass, or makes no recommendation, the measure shall 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 f.
 - f- After the thirty-second legislative day all Senate bills, and after the fifty-fifth legislative day all measures, shall be placed on the calendar for second reading and final passage immediately after action is taken on the amendment.
3. If the committee report is divided as provided in Rule 602, and one report is for amendment with the other that the bill do not pass, the reports shall be placed on the calendar for the next legislative day on the seventh order of business. The President shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If a "do not pass" report is adopted under this subsection, it shall cause the measure to be placed on the calendar on the eleventh or fourteenth order of business.

SECTION 13. AMENDMENT. Joint Rule 202 is hereby amended to read as follows:

202. RECEDING BEFORE CONFERENCE

It shall be in order for either house to recede from any subject matter of difference existing between the two houses at any time previous to a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority shall govern, except in case where two-thirds are required by the Constitution, and the question

having been put and lost, ~~shall not~~ may be again put the same day, and the consideration thereof in other respects shall be regulated by the rules of the respective houses.

SECTION 14. AMENDMENT. Joint Rule 206 is hereby amended to read as follows:

206. UNCONTESTED BILLS - CONSENT CALENDAR

1. Each standing committee may report an uncontested bill or resolution out of committee and may include in its committee report a recommendation that it be placed on the consent calendar.
2. As used in this rule, "uncontested bill" (or "resolution") means any bill or resolution, except those containing appropriations, which receives a do pass or do pass as amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present.
3. Following the presentation of a committee report recommending passage, or the adoption of committee amendments, if any, all bills or resolutions reported by the committee as uncontested shall be placed on the consent calendar, and shall be known as "consent calendar bills" (or "resolutions").
4. Any consent calendar bill or resolution which is amended from the floor shall cease to be a consent calendar bill or resolution and shall be placed on the regular calendar.
5. Upon objection of one-third of the members-elect to the placement or retention of any bill or resolution to the consent calendar, such shall cease to be a consent calendar bill or resolution and shall be placed on the regular calendar.
6. ~~No consent calendar bill or resolution shall be considered for adoption on the same legislative day it is placed on the consent calendar.~~

SECTION 15. AMENDMENT. Joint Rule 208 is hereby amended to read as follows:

208. INTRODUCTION OF EXECUTIVE DEPARTMENT AND SUPREME COURT BILLS

Each executive agency and the Supreme Court shall file those bills they wish to have introduced with the Legislative Council ~~during the organizational session, or thereafter, but no later than December fifteenth prior to the ensuing regular session.~~ Such. Upon approval by the appropriate Committee on

Delayed Bills, such bills will be deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill. The Legislative Council will deliver those bills to the President of the Senate or the Speaker of the House for recording and numbering. Executive agency and Supreme Court bills will be identified by noting the name of the agency or the court under the name of the sponsoring committee.

SECTION 16. AMENDMENT. Subsection 4 of Joint Rule 501 is hereby amended to read as follows:

4. a. All fiscal notes shall be prepared in triplicate and shall be returned to the Legislative Council or the committee chairman making such request, whichever the case may be, not later than five days one day from date of such request.
- b. One copy of the fiscal note shall be attached to the original bill or resolution, one copy shall be filed with the Bill Clerk of the house wherein the bill or resolution originated, and one copy shall be filed in the Legislative Council office.

MOTIONS

SEN. NETHING MOVED to further amend the rules and to delete Section 2 on page 1, and that the new language in Section 5 on page 2 be deleted, and requested a recorded roll call vote.

SEN. OLSON MOVED that consideration of these amendments be laid over one legislative day, which motion lost.

SEN. LASHKOWITZ REQUESTED that his vote be changed from a "yea" to a "nay".

The President granted his request.

ROLL CALL

The question being on Sen. Nething's motion to further amend the rules, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

The motion was declared lost.

The question then was on Sen. Maixner's motion, which motion prevailed on a voice vote and the rules were adopted.

RECOGNITION

THE PRESIDENT ANNOUNCED that a former Senator was in the chambers, and requested that the Senate recognize former Senator I. E. "Esky" Solberg, and Senator Solberg was thereupon introduced to the Senate.

MOTIONS

SEN. HEIGAARD MOVED that a committee of fourteen be appointed to a Select Committee on Appropriations, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Tallackson, Mushik, Redlin, Shea, Stromme, Waldera, Wogsland, Yockim, Lips, Thane, Naaden, Streibel, Tweten, and Nelson.

SEN. HEIGAARD MOVED that a committee of seven be appointed to a Select Committee on Finance and Taxation, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Satrom, Richard, Maixner, Dotzenrod, Wright, Adams, and Moore.

SEN. HEIGAARD MOVED that a committee of seven be appointed to a Select Committee on Social Services, which motion prevailed.

THE PRESIDENT APPOINTED Sens. J. Meyer, Mathern, Heinrich, Keller, Stenehjem, Kelly, and Peterson.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Delayed Bills to which was referred SB 2901, SB 2902, SB 2903, SB 2904, and SB 2905 has had the same under consideration and recommends that the same BE APPROVED FOR INTRODUCTION.

SEN. MAIXNER, Chairman

SEN. MAIXNER MOVED the adoption of the committee's report, which motion prevailed.

FIRST READING OF SENATE BILLS

Select Committee on Finance and Taxation introduced:
(Approved by the Committee on Delayed Bills)

SB 2901: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, and 57-40.3-02 of the North Dakota Century Code, relating to the rate of sales tax, use tax, and motor vehicle excise tax; and to provide an effective date.

Was read the first time and referred to the Select Committee on Finance and Taxation.

Select Committee on Appropriations introduced:

(Approved by the Committee on Delayed Bills)

SB 2902: A BILL for an Act to repeal section 61-24.3-03.1 of the North Dakota Century Code, relating to a preference for residents on Southwest Pipeline Project contracts; and to provide an effective date.

Was read the first time and referred to the Select Committee on Appropriations.

Select Committee on Appropriations introduced:

(Approved by the Committee on Delayed Bills)

SB 2903: A BILL for an Act to amend and reenact subsection 2 of section 54-10-01 and sections 54-10-13 and 54-10-14 of the North Dakota Century Code, relating to the powers of the state auditor and audit requirements for political subdivisions; and to provide an effective date.

Was read the first time and referred to the Select Committee on Appropriations.

Select Committee on Appropriations introduced:

(Approved by the Committee on Delayed Bills)

SB 2904: A BILL for an Act to provide for the reduction in general fund appropriation authority; to provide for a reduction in coal development impact fund appropriation authority; to provide for a transfer of coal development impact funds; to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to educational support per pupil; and to provide an effective date.

Was read the first time and referred to the Select Committee on Appropriations.

Sen. Moore introduced:

(Approved by the Committee on Delayed Bills)

SB 2905: A BILL for an Act to provide a property tax exemption for certain residential property which failed to qualify for a previously granted property tax exemption; and to provide an effective date and an expiration date.

Was read the first time and referred to the Select Committee on Finance and Taxation.

MOTION

SEN. HEIGAARD MOVED that the Senate stand adjourned until 9:00 a.m. December 3, 1986, which motion prevailed.

PERRY GROTEBERG, Secretary