

## Third Day of Legislative Organizational Session

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

\* \* \* \* \*

Bismarck, December 10, 1998

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

The prayer was offered by Pastor Randy Mantik, Evangel Temple, Bismarck.

The roll was called and all members were present except Senators Naaden, O'Connell, and Tallackson.

A quorum was declared by the President.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 9:30 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. St. Aubyn, Chairman)** recommends that the Senate and the Joint Rules of the Fifty-fifth Legislative Assembly, as adopted on Thursday, December 5, 1996, and amended on Friday, January 10, 1997, and published in the 1997 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-sixth Legislative Assembly, and that the reading of this report be dispensed with:

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

1. Keep correct journals of the proceedings of the Senate. The Secretary shall request from the Secretary of State a list of all currently registered lobbyists, and shall print a list of those lobbyists in the journal ~~on~~ upon the thirty-fifth adjournment of the legislative day session.

**SECTION 2. AMENDMENT.** Subsections 4 and 5 of Senate Rule 204 are amended as follows:

4. The printer shall set aside ~~thirty~~ twenty-seven 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 ~~thirty~~ twenty-seven sets of permanent journals.
5. The permanent journals must be bound in hard covers. Two of these sets must be deposited with the Secretary of State, who shall preserve these sets and attach the Secretary of State's certificate thereto showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. 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, ~~one set to the Lieutenant Governor~~, two sets to the Attorney General, ~~seven~~ five 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.

**SECTION 3. AMENDMENT.** Subsection 3 of Senate Rule 205 is amended as follows:

3. The Sergeant-at-Arms shall clear the 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 ~~thirty~~ sixty minutes before the Senate convenes on any legislative day and ending when the Senate recesses for that calendar day. During this period, a legislator may have only one guest on the floor at a time.

**SECTION 4. AMENDMENT.** Senate Rule 360 is amended as follows:

**360. TELEPHONES AND PAGERS.** ~~No A wireless telephone is allowed to or pager may not~~ be used in the Senate chamber during a floor session or in a senate committee room during a committee meeting in that room.

**SECTION 5. AMENDMENT.** Senate Rule 346 is amended as follows:

**346. TRANSMITTAL OF MEASURE TO HOUSE - NOTICE OF INTENTION TO RECONSIDER.** 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. After the fifty-eighth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution. 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 6. AMENDMENT.** Subsection 3 of Senate Rule 347 is 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 following the action on the measure, requires a two-thirds vote of the members-elect.

**SECTION 7.** Senate Rule 354.1 is created as follows:

**354.1. PROCEDURE ON RECEIPT OF VETOED BILLS.** Upon receipt of a vetoed bill and objections, the Secretary of the Senate shall place the bill on the eleventh order of business on the calendar.

**SECTION 8. AMENDMENT.** Senate Rule 402 is amended as follows:

**402. WHEN INTRODUCED.**

1. No bill may be introduced after the ~~sixteenth~~ fifteenth legislative day and no member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ~~eleventh~~ tenth 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.
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced after December tenth before the ensuing regular session, except upon approval of a majority of the Delayed Bills Committee.
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-first legislative day.

**SECTION 9. AMENDMENT.** Senate Rule 403 is amended as follows:

**403. DELAYED BILLS AND RESOLUTIONS.** The Delayed Bills Committee shall receive from the Secretary every bill and resolution offered for introduction after the time for introduction as limited by Senate Rule 402, and, on the same or the next legislative day after receiving the measure, shall inform the Senate whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the ~~original~~ sponsor or sponsors and must note the approval of the Delayed Bills Committee.

**SECTION 10. AMENDMENT.** Senate Rule 602 is amended as follows:

**602. DIVIDED COMMITTEE REPORT.**

1. In case all the members of any committee required or entitled to report on any subject referred to them cannot agree upon any report, the majority and minority may each make a ~~special report, and any member or members dissenting in whole~~

~~or in part, from the reasoning and conclusions of both the majority and minority may also present to the Senate a statement of reasonings and conclusions as provided by this rule;~~ and all reports, if decorous in language, and respectful to the Senate, must be entered at length in the journal, and must be announced by the Secretary as provided in Senate Rule 601.

2. A minority report must be signed by at least two members of the committee, or three members of the Appropriations Committee, who voted against the majority report.
3. The majority report is either the report signed by the largest number of committee members or the report signed by the committee chairman if that report is one of two or more reports signed by the largest and an equal number of members. The majority report must be placed on the calendar for consideration before consideration of any minority report. Minority reports must be placed on the calendar in order in accordance with the number of committee members signing the reports, with the report signed by the largest number of members being placed on the calendar first.
- ~~3.~~ 4. If more than one amendment is recommended by divided reports relating to a particular measure, the President shall direct that they be placed on the calendar in order in accordance with this rule.
- ~~4.~~ 5. The President shall also rule as to the effect of the adoption of the first report on each subsequent report.

**SECTION 11. AMENDMENT.** Joint Rule 203 is amended as follows:

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

1. ~~No~~ A bill that has passed one house may not be sent to the other house for concurrence after the thirty-fourth legislative day, except a bill approved for introduction after the deadline for introduction of bills.
2. ~~No~~ A resolution ~~directing the Legislative Council to carry out a study which~~ that has passed one house may not be sent to the other house for concurrence after the fortieth legislative day, except a study resolution approved for introduction after the deadline for introduction of study resolutions that type of resolution.

**SECTION 12. AMENDMENT.** Subsection 5 of Joint Rule 207 is amended as follows:

- ~~5. The consent calendar must be considered immediately before the consideration of bills and resolutions on second reading and final passage in the regular calendar.~~

**SECTION 13. AMENDMENT.** Subsection 1 of Joint Rule 603 is amended as follows:

1. Five hundred copies of each bill and ~~four hundred copies of each~~ resolution must 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.

**SEN. ST. AUBYN MOVED** that the report be adopted, which motion prevailed.

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Committee on Arrangements for Senate Committee Rooms (Sen. Christmann, Chairman)** recommends that the Senate use the same committee rooms as were used during the Fifty-fifth 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. CHRISTMANN MOVED** that the report be adopted, which motion prevailed.

**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  
Andrist  
Bowman  
Grindberg  
Holmberg  
Kringstad  
Solberg  
St. Aubyn

Tallackson  
Robinson  
Tomas  
Krauter  
Lindaas

**Education Committee**

Freborg - Chairman  
Cook - Vice Chairman  
Flakoll  
Wanzek

Redlin  
Kelsh  
O'Connell

**Finance and Taxation Committee**

Urlacher - Chairman  
Christmann - Vice Chairman  
Schobinger  
B. Stenehjem  
Wardner

Kinnoin  
Kroeplin

**Human Services Committee**

Thane - Chairman  
Kilzer - Vice Chairman  
Fischer  
Lee

DeMers  
Mutzenberger

**Industry, Business and Labor Committee**

Mutch - Chairman  
Sand - Vice Chairman  
Klein  
Krebsbach

Heitkamp  
Thompson  
D. Mathern

**Judiciary Committee**

W. Stenehjem - Chairman  
Watne - Vice Chairman  
Traynor  
Lyson

C. Nelson  
Bercier

**Agriculture Committee**

Wanzek - Chairman  
Klein - Vice Chairman  
Sand  
Urlacher

Kinnoin  
Kroeplin  
D. Mathern

**Government and Veterans Affairs Committee**

Krebsbach - Chairman  
Wardner - Vice Chairman  
Kilzer  
W. Stenehjem  
Thane

DeMers  
Mutzenberger

**Natural Resources Committee**

Traynor - Chairman  
Fischer - Vice Chairman  
Christmann  
Freborg

Redlin  
Heitkamp

**Political Subdivisions Committee**

Lee - Chairman  
Lyson - Vice Chairman  
Flakoll  
Watne

Kelsh  
C. Nelson

**Transportation Committee**

B. Stenehjem - Chairman  
Schobinger - Vice Chairman  
Cook  
Mutch

O'Connell  
Thompson  
Bercier

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

**MOTION**

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

**MOTION**

**SEN. G. NELSON 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 the completion of the Joint Session, the Senate stand adjourned until 12:00 noon, Tuesday, January 5, 1999, which motion prevailed.

The Senate stood adjourned pursuant to Senator G. Nelson's motion.

**WILLIAM C. PARKER, Secretary**