

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, December 8, 2004

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

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

The roll was called and all members were present except Senator Tallackson.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 9:20 a.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

MR. 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-eighth Legislative Session. In addition, the room formerly used as the telephone room will now be the senate conference room. The committee rooms 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

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Fifty-eighth Legislative Assembly, as adopted on Wednesday, December 4, 2002, and published in the 2003 Senate and House Rules and Committees book, except for Joint Rule 303, with the following new rules and amendments, be adopted as the permanent rules of the Senate for the Fifty-ninth Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. 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
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
Appropriations Committee Clerk	1
Bill Clerk	1
Calendar Clerk	1
Assistant Appropriations Committee Clerk	1
Committee Clerks	10
Chief Page and Bill Book Clerk	1
Assistant Committee Clerk	1
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. Unless otherwise determined by the Employment Committee, the Information Kiosk Attendant position alternates between the houses every other legislative session.

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 Legislative Handbook for North Dakota Legislators and Employees.

SECTION 2. AMENDMENT.

Senate Rule 321 is amended as follows:

321. VOTE BY MEMBERS. 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 may 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 in the chamber. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and may not vote thereon without the consent of the Senate. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

SECTION 3. AMENDMENT.

Subsection 3 of Senate Rule 401 is amended as follows:

- Any bill or resolution may be introduced after the organizational session adjourns and before the convening of the regular session by pre-filing the bill or resolution with the office of the Legislative Council. The Legislative Council shall number ~~and deliver~~ those bills and resolutions ~~to the Secretary.~~ ~~The President may assign prefiled bills and resolutions to committee and may, identify the sponsoring committee as assigned by the Majority Leader of the Senate, arrange, before the convening of the regular session,~~ for the posting of notice of hearing, and deliver those bills and resolutions to the Secretary. Prefiled bills and resolutions may not be withdrawn, except on the floor of the Senate in the manner provided by the rules. Prefiled bills and resolutions are not confidential.

SECTION 4. AMENDMENT. Subsections 2, 3, and 4 of Senate Rule 501 are amended as follows:

2. The five-day standing committee is Appropriations: (~~4~~ 15 members) Bills and resolutions referred or rereferred under Senate Rule 329.
3. The three-day standing committees are:
 - a. Education: (6 members)
Public Schools; Libraries; Institutions of Higher Learning.
 - b. Finance and Taxation: (6 members)
Public Debt; Taxes and Tax Laws.
 - c. Human Services: (~~6~~ 5 members)
Human Services; Public Health; 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: (6 members)
Elections and Election Privileges; Judiciary.
4. The two-day standing committees are:
 - a. Agriculture: (6 members)
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.
 - b. Government and Veterans Affairs: (~~6~~ 5 members)
State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.
 - c. Natural Resources: (7 members)
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
 - d. Political Subdivisions: (6 members)
Cities; Counties; Townships; Park Districts; Apportionment.
 - e. Transportation: (6 members)
Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

SECTION 5. 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, ~~including the Joint Constitutional Revision 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 any committee to which the Minority Leader has been appointed.

SECTION 6. 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 take any substantive action during the time the Joint Constitutional Revision Committee meets.~~
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 7. AMENDMENT. Joint Rule 206 is amended as follows:

206. CONSENT CALENDAR.

1. Each standing committee may report an uncontested 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 bill or resolution" means any bill or resolution, except a bill providing an appropriation, which receives a do pass ~~or~~ do pass as amended, or do not pass 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 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 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 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.

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

208. INTRODUCTION OF EXECUTIVE AGENCY AND SUPREME COURT BILLS.

Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced no later than the close of business on the day after the adjournment of the organizational 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 the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and deliver bills filed under this rule to the appropriate

house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

SECTION 9. AMENDMENT. Subsection 2 of Joint Rule 603 is amended as follows:

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 ~~on request of~~, 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.

SECTION 10. AMENDMENT. Subsection 3 of Joint Rule 1001 is amended as follows:

3. Membership in the Legislative Assembly is not a full-time occupation and is not compensated on that basis. ~~Membership~~ Continued membership is ~~in two-year or four-year terms~~ on an elected-term basis, 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.

SEN. HOLMBERG MOVED that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** recommends the following as the chairmen, vice chairmen, and members of standing committees:

Appropriations Committee

Committee Chairman - Holmberg
Vice Chairman - Bowman
Vice Chairman - Grindberg
Andrist
Christmann
Fischer
Kilzer
Kringstad
Schobinger
Thane

Krauter
Lindaas
Mathern
Robinson
Tallackson

Education Committee

Committee Chairman - Freborg
Vice Chairman - G. Lee
Flakoll
Erbele

Seymour
Taylor

Finance and Taxation Committee

Committee Chairman - Urlacher
Vice Chairman - Wardner
Cook
Tollefson

Bercier
Every

Human Services Committee

Committee Chairman - J. Lee
Vice Chairman - Dever
Lyson
Brown

Warner

Industry, Business and Labor

Committee Chairman - Mutch
Vice Chairman - Klein
Krebsbach
Nething
Espgaard

Fairfield
Heitkamp

Judiciary Committee

Committee Chairman - Traynor
 Vice Chairman - Syverson
 Trenbeath
 Hacker

Nelson
 Triplett

Agriculture Committee

Committee Chairman - Flakoll
 Vice Chairman - Erbele
 Klein
 Urlacher

Seymour
 Taylor

Government and Veterans Affairs Committee

Committee Chairman - Krebsbach
 Vice Chairman - Brown
 J. Lee
 Syverson

Nelson

Natural Resources Committee

Committee Chairman - Lyson
 Vice Chairman - Tollefson
 Wardner
 Freborg
 Traynor

Every
 Heitkamp

Political Subdivisions Committee

Committee Chairman - Cook
 Vice Chairman - Hacker
 G. Lee
 Dever

Fairfield
 Triplett

Transportation Committee

Committee Chairman - Trenbeath
 Vice Chairman - Espegard
 Nething
 Mutch

Bercier
 Warner

SEN. STENEHJEM MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:00 a.m., at which time it will reconvene in the House for a Joint Session, after which the Senate stand adjourned, which motion prevailed.

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

William R. Horton, Secretary