Second Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, December 7, 2004

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President.

MOTION
SEN. CHRISTMANN MOVED that Sen. Flakoll replace Sen. Dever on the **Employment Committee**, which motion prevailed.

MOTION
SEN. CHRISTMANN MOVED that the Senate stand in recess until 9:10 a.m., at which time there will be a Joint Session in the House, after which the Senate will stand in recess until 1:15 p.m., which motion prevailed.

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

ANNOUNCEMENT
PRESIDENT DALRYMPLE ANNOUNCED a presentation on legislative ethics and laws and rules governing the activities and conduct of government officials by John D. Olsrud, Director of the Legislative Council.

REMARKS OF MAJORITY LEADER STENEHJEM
The topic of ethics is not to be taken lightly. It's more than behaving within the confines of the law. There is a difference between being an ethical person and simply following ethics laws.

Ethics is rooted deep inside of us. It's being grounded in what is the right thing to do. It's about character - in other words, what you do when the others leave the room.

For us, as public officials, there are two kinds of ethical decisions, moral choice and moral judgement. Moral choice is about right and wrong. Moral judgement is about conflicting duties and principles. Laws can only address moral choice. They can't address the gray areas where someone has to rely on their own personal will and integrity. Ethics laws may have their place, but they're not what makes someone a decent person. A law is no substitute for a conscience. Whether or not there is a law governing our behavior, we need to base our judgements on what is the right thing to do.

In this, the 59th Legislative Assembly, I expect you all to be truthful, and vote responsibly, and you can expect the same from me.

The North Dakota Senate is an institution that is larger than any one of us and we are fortunate to be a part of it at this moment in history. Nothing we do here should diminish the esteem of this body. It is our obligation to leave this institution in as good or better shape when we depart as when we arrived.

REMARKS OF MINORITY LEADER O'CONNELL
Where does the code of ethics come from? Right here with us. We need to be honest and truthful in all public communications. We all value doing the right thing. Our constituents expect no less.

When in doubt, talk it out. Is it ethical? Is it legal? Is it OK? Is it right? We need to be sensitive to, and we will address all situations that might raise any appearance of conflict of interest.

Six examples of ethical values are:
1. Trustworthiness: honesty, promise keeping, loyalty.
2. Respect: privacy, courtesy, tolerance.
3. Responsibility: accountability.

4. Caring: compassion, consideration, giving, sharing, kindness.
5. Justice and fairness: procedural fairness, impartiality, due process.
6. Civic virtue and citizenship: law abiding, community service, protection of the environment.

A code of ethics will not solve all ethical problems. As Aristotle said, "...we must remember that good laws, if they are not obeyed, do not constitute good government. Hence there are two parts of good government; one is the actual obedience of citizens to the laws, the other part is the goodness of the laws which they obey."

ANNOUNCEMENT
PRESIDENT DALRYMPLE ANNOUNCED a presentation on sexual harassment issues by Laurie Sterioti Hammeren, Director of Human Resource Management Services.

MOTION
SEN. CHRISTMANN MOVED that the Senate stand adjourned until 8:30 a.m., Wednesday, December 8, 2004, which motion prevailed.

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

William R. Horton, Secretary