

**JOURNAL OF THE SENATE - SPECIAL SESSION****Sixty-second Legislative Assembly**

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**Bismarck, November 8, 2011**

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

The prayer was offered by Senator Joan Heckaman.

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

A quorum was declared by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that a committee of two be appointed to escort Miss North Dakota, Arianna Walker to the rostrum, which motion prevailed. The President appointed Sens. Dever and Carlisle.

**REMARKS OF ARIANNA WALKER  
MISS NORTH DAKOTA**

It is an honor to address you this morning during your busy special session.

I know you have important work to do. I've been following the issues you will be dealing with this week and, to be honest, I don't envy you. It is a difficult task and I know I would not want to take this on, but that's why I'm doing into physical therapy and not politics!

However, as your Miss North Dakota, I am a state representative, and I have to be aware of what is going on.

In driving across our great state, I have seen, firsthand, the impact of flooding on my community, Minot, and others. Like you, I have hauled sandbags and moved people back and forth. I am glad you are considering funds to help them re-build their homes and make repairs to local infrastructure.

As the headquarters for the Miss North Dakota Scholarship Organization are in Williston, I have made many trips to the Western part of the state and seen the impact of the oil boom there, from the man camps popping up, to the roads wearing down.

I will also be interested in your decision on the federal health care exchange issue, as I am a pediatric PT student at University of Mary.

In my travels to eastern North Dakota, I have visited to the Ronald McDonald Houses there, and the Children's Miracle Network Hospital at Sanford.

These charities are near and dear to my heart. Ronald McDonald House is my platform, and I want to thank you for the state funding to help launch North Dakota's first dental Caremobile for children this January.

Children's Miracle Network Hospitals is the official charity of Miss America. If I'm fortunate to represent our country, I would promote BOTH organizations, because one helps sick and injured children; the other helps the families of these children by providing food and shelter during long hospital stays.

In closing, I would ask you to think "positive thoughts" for me during my week of competition in Las Vegas starting January 9th. I will compete live on ABC Saturday, January 14th.

We, as North Dakotans, have been in the news spotlight a lot this year. I'm ready to show them what we embody as a state: intelligence, character, hard work, community service, faith, values, and compassion for those in need.

Thank you very much for your time today.

**MOTION**

**SEN. CHRISTMANN MOVED** that the remarks of Miss North Dakota be printed in the journal, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed on a voice vote.

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

**REPORT OF SELECT COMMITTEE**

**MR. PRESIDENT:** Your **Select Committee (Sen. Hogue, Chairman)** appointed to consider the nomination to the Southwestern Low Level Radioactive Waste Commission, do advise and consent to the appointment of Terry O'Clair.

**MOTION**

**SEN. HOGUE MOVED** that the report be adopted.

**ROLL CALL**

The question being, "will the Senate advise and consent to the appointment of Terry O'Clair to the Southwestern Low Level Radioactive Waste Commission," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

The Senate advises and consents to the appointment of Terry O'Clair to the Southwestern Low Level Radioactive Waste Commission.

**REPORT OF SELECT COMMITTEE**

**MR. PRESIDENT:** Your **Select Committee (Sen. Hogue, Chairman)** appointed to consider the nomination to the Southwestern Low Level Radioactive Waste Commission, do advise and consent to the appointment of Daniel Harman (alternate).

**MOTION**

**SEN. HOGUE MOVED** that the report be adopted.

**ROLL CALL**

The question being, "will the Senate advise and consent to the appointment of Daniel Harman (alternate) to the Southwestern Low Level Radioactive Waste Commission," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Carlisle; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

The Senate advises and consents to the appointment of Daniel Harman (alternate) to the Southwestern Low Level Radioactive Waste Commission.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Confirmation Session be dissolved, which motion

prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 5:30 p.m., which motion prevailed.

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

#### REPORT OF STANDING COMMITTEE

**SB 2370: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2370 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "relating to adoption of a nickname and logo for the university of North Dakota athletic teams;"

Page 1, after line 3, insert:

**"SECTION 1. UNIVERSITY OF NORTH DAKOTA ATHLETIC NICKNAME AND LOGO.** Neither the state board of higher education nor the university of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

**SB 2370: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments on SJ page 1843 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2370:** A BILL for an Act relating to adoption of a nickname and logo for the university of North Dakota athletic teams; to repeal section 15-10-46 of the North Dakota Century Code, relating to the university of North Dakota fighting Sioux nickname and logo; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Berry; Carlisle; Christmann; Hogue; Kilzer; Larsen; Sitte

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2370 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2370.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1473, HCR 3053, HCR 3054.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, November 9, 2011, which motion prevailed.

**FIRST READING OF HOUSE BILL**

**HB 1473:** A BILL for an Act to authorize the secretary of state to modify election deadlines and procedures; to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.8 and 54-03-01.10 of the North Dakota Century Code, relating to staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.

Was read the first time and referred to the **Joint Legislative Redistricting Committee**.

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

**William R. Horton, Secretary**