

Third Day of Legislative Organizational Session

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

* * * * *

Bismarck, December 3, 2020

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

The prayer was offered by Pastor Kai Hardee, Gateway Community Fellowship.

The roll was called and all members were present except Senators Marcellais and K. Roers.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 8:40 a.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

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

2021 SENATE STANDING COMMITTEES

Appropriations Committee

Committee Chairman - Ray Holmberg	Joan Heckaman
Co-Vice Chairman - Karen K. Krebsbach	Tim Mathern
Co-Vice Chairman - Terry M. Wanzek	
Brad Bekkedahl	
Kyle Davison	
Dick Dever	
Robert Erbele	
David Hogue	
Dave Oehlke	
Nicole Poolman	
David S. Rust	
Ronald Sorvaag	

Education Committee

Committee Chairman - Donald Schaible	Erin Oban
Vice Chairman - Jay R. Elkin	
Cole Conley	
Randy D. Lemm	
Michael A. Wobbema	

Finance and Taxation Committee

Committee Chairman - Jessica Bell	Merrill Piepkorn
Vice Chairman - Jordan Kannianen	
Scott Meyer	
Dale Patten	
Jim P. Roers	
Mark F. Weber	

Human Services Committee

Committee Chairman - Judy Lee	Kathy Hogan
Vice Chairman - Kristen Roers	
Howard C. Anderson Jr.	
David A. Clemens	
Oley Larsen	

Industry, Business and Labor Committee

Committee Chairman - Jerry Klein Richard Marcellais
 Vice Chairman - Doug Larsen
 Randy A. Burckhard
 Curt Kreun
 Shawn Vedaa

Judiciary Committee

Committee Chairman - Diane Larson JoNell A. Bakke
 Vice Chairman - Michael Dwyer
 Robert O. Fors
 Jason G. Heitkamp
 Larry Luick
 Janne Myrdal

Agriculture Committee

Committee Chairman - Larry Luick Kathy Hogan
 Vice Chairman - Janne Myrdal
 Jerry Klein
 Oley Larsen
 Randy D. Lemm

Government and Veterans Affairs Committee

Committee Chairman - Shawn Vedaa Richard Marcellais
 Vice Chairman - Scott Meyer
 Jay R. Elkin
 Kristen Roers
 Mark Weber
 Michael A. Wobbema

Energy and Natural Resources Committee

Committee Chairman - Curt Kreun Merrill Piepkorn
 Vice Chairman - Jim P. Roers
 Jessica Bell
 Dale Patten
 Donald Schaible

Political Subdivisions Committee

Committee Chairman - Randy A. Burckhard Erin Oban
 Vice Chairman - Howard C. Anderson Jr.
 Jason G. Heitkamp
 Jordan Kannianen
 Diane Larson
 Judy Lee

Transportation Committee

Committee Chairman - David A. Clemens JoNell A. Bakke
 Vice Chairman - Robert O. Fors
 Cole Conley
 Michael Dwyer
 Doug Larsen

SEN. WARDNER MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends the Senate and Joint Rules of the 66th Legislative Assembly, as adopted on December 5, 2018, be adopted as the permanent rules of the Senate for the 67th Legislative Assembly, with the following amendments:

SECTION 1. AMENDMENT. Senate Rule 102 is amended as follows:

102. Absence and presence. As used in these rules, "absent" means not present, and "present" means being physically in the chamber or room where the session or meeting is

being held, ~~and for purposes of a committee meeting, includes participation or participating in the session or meeting~~ by means of interactive video or teleconference call. A member present and participating remotely has the same rights, privileges, and duties as a member physically present, is deemed to be "on the floor" for purposes of floor sessions, and may vote remotely. No member or officer of the Senate, unless unable to attend due to illness or other cause, may be absent from a session of the Senate, during an entire day, without first having obtained leave from the Senate, and no one is entitled to draw pay while absent more than one day without leave.

SECTION 2. AMENDMENT. Subsection 2 of Senate Rule 201 is amended as follows:

2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the President or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared. The President or the chairman of the Committee of the Whole may limit the number of individuals in the galleries or corridors, require spacing between individuals in the galleries or corridors, or take other actions to promote health and safety in the Senate chamber.

SECTION 3. AMENDMENT. Senate Rule 303 is amended as follows:

303. Call of the Senate.

1. Eight members of the Senate may cause a call of the Senate to be ordered and absent members to be sent for, but a call may not be ordered while a vote is being taken.
2. The call being requested, the presiding officer shall require those desiring the call to rise or raise their hands, and if eight or more members rise or raise their hands, the call must be ordered.
3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the chamber. No member present and participating remotely may leave the remote proceeding.
4. The Secretary shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall proceed to find and bring in those absentees or compel the absentees' remote participation.
5. While the Senate is under call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms, and no motion is in order except a motion to suspend further proceedings under the call, and the motion may not be adopted unless a majority of all members-elect vote in favor of the motion.
6. Upon a report of the Sergeant-at-Arms showing that all members who were absent without leave, naming them, are present, the call is at an end, the door must be opened, and the Senate shall proceed with the business pending at the time the call was made.

SECTION 4. AMENDMENT. Senate Rule 305 is amended as follows:

305. Recognition by the presiding officer. Every member ~~desiring~~ who is present physically and wishes to speak shall so indicate by pressing the "speak" button on the member's desk. If the "speak" button does not work, the member may rise and, respectfully address the presiding officer, and shall remain standing in place before proceeding to speak until recognized by the presiding officer. Every member who is present and participating remotely and wishes to speak shall so indicate by the means designated by the presiding officer and shall wait to speak until recognized by the presiding officer. When two or more members ~~rise~~ indicate a wish to speak at the same time to speak, the presiding officer shall designate the member who is to speak first, but in all other cases the member who ~~ris~~ ises first ~~and~~ addresses the presiding officer must be the first recognized.

SECTION 5. AMENDMENT. Senate Rule 320 is amended as follows:

320. Roll call vote. ~~Except as required by the Constitution or these rules, a~~ roll call vote ~~may not~~ must be ordered ~~unless~~ when requested by one-sixth of those members present

or when otherwise required by the Constitution or these rules. When a recorded roll call vote is ordered pursuant to this rule ~~held~~, the results must be printed in the journal in their entirety.

SECTION 6. 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 shall 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~~ present. 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 7. AMENDMENT. Senate Rule 329 is amended as follows:

329. Measures referred to Appropriations Committee.

1. Every bill providing an appropriation of ~~five~~ ten thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee, and every bill or resolution proposing a change in the audit or fiscal procedures of a state agency or institution must be originally referred to and acted upon by that committee, before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
2. Every bill or resolution ~~to which is attached~~ with a fiscal note stating that the measure has an effect of ~~fiftyone~~ hundred thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
3. A bill or resolution required to be referred or rereferred to the Appropriations Committee which received a do not pass recommendation from committee and which then is passed by the Senate is deemed reconsidered and must be referred to and acted upon by the Appropriations Committee if that measure has not been referred or rereferred to the Appropriations Committee before passage. The Appropriations Committee shall report the measure back to the Senate for action in accordance with these rules.
4. Except for bills approved for introduction after the deadline for introduction of bills, all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the ~~twenty-first~~ twenty-fifth legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the ~~fifty-third~~ fifty-seventh legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the ~~twenty-first~~ twenty-fifth or ~~fifty-third~~ fifty-seventh legislative day, as appropriate.

SECTION 8. AMENDMENT. Senate Rule 338 is amended as follows:

338. Disposition of measures after ~~fifty-first~~ fifty-fifth legislative day. After the ~~fifty-first~~ fifty-fifth legislative day, all bills and resolutions under consideration must immediately be placed on the calendar for second reading and final passage.

SECTION 9. AMENDMENT. Senate Rule 347 is amended as follows:

347. Transmittal of measure to House - Notice of intention to reconsider.

1. 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.
2. On the ~~thirty-fourth~~ thirty-eighth and ~~thirty-fifth~~ thirty-ninth legislative days and after the ~~fifty-fifth~~ fifty-ninth legislative day, the Secretary of the Senate shall transmit the

bill or resolution to the House immediately upon adjournment of the last session on that day 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.

3. After the ~~sixty-fourth~~sixty-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.
4. 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.
5. If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House at the end of that next legislative day.

SECTION 10. AMENDMENT. Senate Rule 348 is amended as follows:

348. Motion for reconsideration.

1. Any member may move for reconsideration of a question if any of the following apply:
 - a. The member voted on the prevailing side of the question ("prevailing side of the question" is the side that voted "aye" on a question that passed, and "nay" on a question that failed);
 - b. The member did not vote on the question; or
 - c. The member voted on the question and the ayes and nays were not recorded.
2. A motion to reconsider must be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment must be decided by a majority vote of the members present.
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.
4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any legislative day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.
5. No motion to reconsider may be made unless the matter is in possession of the Senate.
6. ~~Determination~~Except when a roll call vote is required under Senate Rule 320, ~~determination~~ of any vote required under this rule must be by a verification vote.

SECTION 11. AMENDMENT. Senate Rule 360 is amended as follows:

360. Electrical voting system and remote voting. Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which is under the control of the presiding officer. A member who is present and participating remotely may vote using a system established for that purpose. The system must provide means to record and make public the member's roll call votes.

SECTION 12. AMENDMENT. Senate Rule 361 is amended as follows:

361. Guests - Introduction and announcement - Limitations.

4. Introduction of guests in the Senate is limited to those individuals called on to address the Senate, individuals of statewide, national, or international prominence, and others in the discretion of the presiding officer. ~~The presence of other guests in groups may be announced daily on the electronic message boards.~~
2. ~~No member may have more than one guest on the floor during any period guests are restricted under Senate Rule 205. No member may have more than one guest in the morning on the floor during a session and one guest in the afternoon on the floor during a session. The guest must be seated with the member at the time the session convenes and may not leave the floor during debate. No guest may be seated with the member after that member's original guest for that session leaves the floor.~~
3. ~~For the purposes of this rule, the floor of the Senate is all of the first floor of the Senate chamber in front of the railing. No other guests are allowed on the first floor of the chamber in front of the railing.~~

SECTION 13. AMENDMENT. Subsection 3 of Senate Rule 401 is amended as follows:

3. Any bill or resolution may be introduced after the organizational session ~~adjourns~~convenes and through the third Friday in December before the convening of the regular session, or a time designated by the Legislative Council, by prefiling the bill or resolution with the Legislative Council. The Legislative Council shall number those bills and resolutions, identify the sponsoring committee as assigned by the Majority Leader of the Senate, arrange 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 14. AMENDMENT. Senate Rule 402 is amended as follows:

402. When introduced.

1. No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ~~sixteenth~~ legislative day. A bill containing an appropriation clause may not be introduced after the ~~sixteenth~~ legislative day. No bill may be introduced after the ~~eleventh~~fifteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the ~~fourteenth~~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 the close of business on the day after the adjournment of the organizational session, except upon approval of a majority of the Delayed Bills Committee.
3. Resolutions that propose amendments to the Constitution of North Dakota and resolutions directing the Legislative Management to carry out a study may not be introduced after the ~~thirty-second~~thirty-sixth legislative day.

SECTION 15. AMENDMENT. Subsection 2 of Senate Rule 507 is amended as follows:

2. The committee chairman or the member who is duly appointed to act as chairman shall ensure that minutes of committee hearings and deliberations are kept. The minutes must be arranged by the bills or resolutions discussed, designated by number. The minutes must contain a short phrase explaining what the bill or resolution relates to and the names and ~~addresses~~ of all persons who appear in relation to the bill or resolution ~~and a brief summary of their remarks~~. The minutes also must include a record of recommended amendments to the bill or resolution, and a recorded roll call vote of the committee members on each bill or resolution that is referred out of the committee and, in the case of divided reports, on each report.

SECTION 16. AMENDMENT. Senate Rule 509 is amended as follows:

509. Reporting of measures. Except for an appropriations bill, a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, or a resolution directing an interim study by the Legislative Management, no Senate bill or resolution may be held in a committee for more than thirty legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. Except for a bill introduced after the deadline for introducing bills, a resolution directing an interim study by the Legislative Management or a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, all Senate bills and resolutions must be reported back to the Senate no later than the ~~thirty-second~~thirty-sixth legislative day. A resolution directing an interim study by the Legislative Management or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota must be reported back to the Senate no later than the ~~thirty-eighth~~forty-second legislative day. A bill introduced after the deadline for introducing bills must be reported back to the Senate within five legislative days after the day of introduction. A bill or resolution not reported back as required by this rule must automatically be placed on the calendar without recommendation. House bills and resolutions must be reported back to the Senate by the ~~sixty-first~~sixty-fifth legislative day. House bills received after the crossover deadline must be reported back to the Senate within five legislative days after the day of receipt.

SECTION 17. AMENDMENT. Senate Rule 509 is amended as follows:

509. Reporting of measures. Except for an appropriations bill, a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, or a resolution directing an interim study by the Legislative Management, no Senate bill or resolution may be held in a committee for more than thirty legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. Except for a bill introduced after the deadline for introducing bills, a resolution directing an interim study by the Legislative Management or a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, all Senate bills and resolutions must be reported back to the Senate no later than the ~~thirty-second~~thirty-sixth legislative day. A resolution directing an interim study by the Legislative Management or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota must be reported back to the Senate no later than the ~~thirty-eighth~~forty-second legislative day. A bill introduced after the deadline for introducing bills must be reported back to the Senate within five legislative days after the day of introduction. A bill or resolution not reported back as required by this rule must automatically be placed on the calendar without recommendation. House bills and resolutions must be reported back to the Senate by the ~~sixty-first~~sixty-fifth legislative day. House bills received after the crossover deadline must be reported back to the Senate within five legislative days after the day of receipt.

SECTION 18. AMENDMENT. Subsection 3 of Senate Rule 601 is amended as follows:

3. a. If the committee report is for amendment, the proposed amendment must be placed on the calendar for the next legislative day on the sixth order of business. After the ~~fifty-first~~fifty-fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received.
- b. No action may 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.
- c. If the amendment is adopted by a majority vote of the members present, the amended measure must 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 e or g.
- d. If the amendment is rejected, the measure without amendment must 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 e or g.

- e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under Senate Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
- f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must 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 g.
- g. On motion a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the ~~twenty-eighth~~thirty-second legislative day all Senate bills, and after the ~~fifty-first~~fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. Without objection a measure placed on the calendar under this subdivision must be acted on immediately after placement on the calendar.
- h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Secretary without a notation that the report was approved as to form and style by the Legislative Council staff, the Secretary immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.

SECTION 19. AMENDMENT. Joint Rule 203 is amended as follows:

203. Limitation on messaging of measures - Crossover days.

1. A bill that has passed one house may not be sent to the other house for concurrence after the ~~thirty-fifth~~thirty-ninth legislative day, except a bill approved for introduction after the deadline for introduction of bills.
2. A resolution that has passed one house may not be sent to the other house for concurrence after the ~~forty-first~~forty-fifth legislative day, except a resolution approved for introduction after the deadline for introduction of that type of resolution.

SECTION 20. AMENDMENT. Joint Rule 501 is amended as follows:

501. Fiscal notes.

1. Except for a measure appropriating a specific dollar amount, every bill or resolution having an effect of ~~five~~ten thousand dollars or more on the revenues, expenditures, or fiscal liability of the state must have a fiscal note ~~attached~~describing that effect and ~~which~~is prepared as provided in this rule.
2.
 - a. The Legislative Council shall determine whether a fiscal note is required for any bill or resolution prepared by the Legislative Council staff. The chairman of the committee to which a bill or resolution is referred shall determine whether a fiscal note is required for a bill or resolution not prepared by the Legislative Council or not bearing a fiscal note.
 - b. A bill or resolution to which an amendment having a fiscal effect of ~~five~~ten thousand dollars or more has been approved must have a fiscal note ~~attached~~prepared upon request of the chairman of the committee considering the bill or resolution, or ~~by~~upon request of the majority of the members present of the house in which the bill is considered at the time of second reading.

- c. The chairman of a committee may request the aid of the Legislative Council in making a determination as to whether a bill or resolution requires a fiscal note.
3. a. A fiscal note must be prepared by the state agency or department responsible for collecting or expending the revenues affected or whose appropriation is affected or jointly by affected departments or agencies, at the request of the Legislative Council.
- b. A request for a fiscal note must be in the proper request form and addressed to the designated agency or department, and must be accompanied by a copy of the bill or resolution having the fiscal effect.
- c. The Legislative Council shall prepare all necessary forms ~~for the implementation of~~ to implement the fiscal note procedure.
- d. Each agency or department to ~~whom~~ which a request for a fiscal note is made shall state on a fiscal note form the fiscal impact of the bill or resolution being considered. The fiscal impact must be stated in dollar amounts; identify the impact on revenues; identify the impact on expenditures; identify the impact for the current biennium, the upcoming biennium, and the next succeeding biennium; and identify the effect on the appropriation for the state agency or department for the current, upcoming, and next succeeding bienniums.
- e. If the agency or department of ~~whom~~ which a fiscal note is requested is unable to provide specific information upon the fiscal impact of the bill or resolution, the agency or department shall make an estimate of the impact according to ~~such~~ the available information it may have or be able to obtain and shall state ~~that~~ the figures provided are an estimate.
- f. If the agency or department is not able to make an estimate, it shall state that fact.
4. a. The agency or department preparing the fiscal note for a bill or resolution as introduced shall complete and return the fiscal note to the Legislative Council not later than five days from the date of the request. The agency or department preparing the fiscal note for an amended bill or resolution shall complete and return the fiscal note to the Legislative Council not later than one day from the date of the request.
- b. The Legislative Council shall provide an electronic copy of the fiscal note to the Office of Management and Budget and the Governor. The Legislative Council shall ~~deliver a paper copy to~~ make an electronic or paper copy of the fiscal note available to the Secretary of the Senate or the Chief Clerk of the House. ~~The Secretary of the Senate or the Chief Clerk of the House shall attach a paper copy to the original bill or resolution.~~
5. Any bill or resolution requiring a fiscal note must be stamped or have written on its cover a notation to the effect that a fiscal note is required.
6. A committee report must include a notation that a specific bill or resolution carries a fiscal note.
7. Upon second reading and final passage of a bill or resolution carrying a fiscal note, the Secretary of the Senate or the Chief Clerk of the House, whichever the case may be, shall read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted on.

SECTION 21. AMENDMENT. Joint Rule 502 is amended as follows:

502. Fiscal notes for measures impacting counties, cities, or school districts.

1. Every bill or resolution introduced into either house of the Legislative Assembly which mandates changes in the revenues, expenditures, or fiscal liability of counties, cities, or school districts must have a fiscal note ~~attached~~ reflecting the statewide impact of the bill or resolution on counties, cities, or school districts.

2. If no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note otherwise required by this rule, a statement to that effect must be ~~attached to~~prepared for the bill or resolution by the party responsible for requesting the fiscal note pursuant to subsection 2 of Joint Rule 501. A statement ~~attached~~prepared pursuant to this subsection meets the fiscal note requirement.
3. The same requirements and procedures provided in Joint Rule 501 for state fiscal notes, including preparation, deadlines, forms, and reading of fiscal notes on second reading and final passage, apply to fiscal notes for counties, cities, and school districts except as provided in this rule.

SECTION 22. AMENDMENT. Joint Rule 801 is amended as follows:

801. Open legislative meetings. All meetings of the Legislative Assembly and its committees, including interim legislative committees, are open to the public and the press at all times when pending or proposed legislation is being considered. A meeting available via teleconference call or electronic means is open to the public and the press provided the audio of the meeting may be heard in real time.

SECTION 23. Joint Rule 805 is created as follows:

805. Public health.

1. Except as provided in subsection 2, each individual in an area of the Capitol complex controlled by the Legislative Assembly shall wear a face mask or shield covering the nose and mouth completely, although the face mask or shield may be lowered or removed while speaking on the floor of the chamber after the member is recognized by the presiding officer. Areas controlled by the Legislative Assembly include the legislative chambers, committee rooms, Memorial Hall, Legislative Hall, the Legislative Council office, and any additional space the Legislative Assembly acquires for its use.
2. When social distancing is maintained without exception, a member may remove the member's face mask or shield in areas of the Capitol complex controlled by the Legislative Assembly. However, a face mask or shield must be worn by each member during floor sessions and for at least thirty minutes before and after each floor session at which the members are physically present. "Social distancing" means remaining at least six feet from all other individuals.
3. Notwithstanding subsection 2, a committee chairman may require each individual in the chairman's committee room to wear a face mask or shield covering the nose and mouth completely, although a face mask or shield may be lowered or removed by an individual recognized by the chairman while the individual is addressing the committee during a meeting.
4. Consistent with the Centers for Disease Control and Prevention guidelines, it is recommended that members of the Legislative Assembly and legislative branch employees complete a health self assessment before arriving at the Capitol complex. Members of the Legislative Assembly and legislative branch employees shall submit to a temperature screening upon entering the Capitol complex. A member of the Legislative Assembly who has a temperature reading of 100.4 or greater or who is experiencing any symptoms of Coronavirus (COVID-19) shall report the temperature reading or existence of the symptoms to the member's party leader or designee immediately and comply with the protocols established jointly by the Majority and Minority Leaders. A legislative branch employee who has a temperature reading of 100.4 or greater or who is experiencing any symptoms of COVID-19 shall report the temperature reading or existence of symptoms to the director of the Legislative Council or the director's designee.

SECTION 24. REPEAL. Senate Rule 362 is repealed.

SEN. HOLMBERG MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that the members absent during the Organizational Session be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 10:00 a.m., at which time there will be a joint session in the House, after which the Senate will stand adjourned until 12:00 noon, Tuesday, January 5th, 2021, which motion prevailed.

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

Shanda Morgan, Secretary

