

Organizational and Orientation Session  
December 7, 8, 9, 1982

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

\* \* \* \* \*

Bismarck, December 7, 1982

At the hour of 9:00 a.m., on the seventh day of December, 1982, according to the Constitution and Statutes of the State of North Dakota, the holdover members and members elected to the Senate of the Forty-eighth Legislative Assembly of the State of North Dakota, assembled in the North Dakota State Capitol Building at Bismarck, North Dakota, and were called to order by the Honorable Ernest M. Sands, Lieutenant Governor of the State of North Dakota.

CERTIFICATION

The list of the qualified members and holdover members as certified by the Secretary of State was read by the 1981 Secretary of the Senate, Leo Leidholm, as follows:

Secretary of the Senate  
Forty-eighth Legislative Assembly  
Bismarck, North Dakota 58505

Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of those duly elected as members of the Senate of the Forty-eighth Legislative Assembly of the State of North Dakota:

Dist.	Counties or parts thereof	Name	Address
1.	Williams .....	Frank Wenstrom .....	Williston
2.	Divide, Williams ...	Bruce Bakewell .....	Fortuna
3.	Renville, Ward .....	Mrs. Darrell (Jerry) Meyer ..	Berthold
5.	Ward .....	Hal Christensen .....	Minot
7.	McHenry, Pierce ....	William (Bill) Parker .....	Rugby
9.	Rolette .....	Phillip Berube .....	Rolla
11.	Pembina, Walsh .....	F. Kent Vosper .....	Neché
13.	Cass .....	Clayton A. Loden .....	West Fargo
15.	Ramsey .....	Floyd Stromme .....	Devils Lake
17.	& 18. Grand Forks ..	Chuck Goodman .....	Grand Forks
	..	Raymon E. Holmberg .....	Grand Forks
19.	Grand Forks .....	Duane Mutch .....	Larimore
21.	Cass .....	Herschel Lashkowitz .....	Fargo

23.	Griggs, Nelson,		
	Steele .....	Dan Wogsland .....	Hannaaford
24.	Barnes .....	Perry B. Grotberg .....	Valley City
25.	Richland .....	Russell T. Thane .....	Wahpeton
27.	Ransom, Richland ...	James A. Dotzenrod .....	Wyndmere
29.	Stutsman .....	Art Todd .....	Jamestown
31.	Burleigh, Kidder,		
	Sheridan .....	E. Gene Hilken .....	Wilton
33.	Mercer, Oliver .....	Jim Kusler .....	Beulah
35.	Hettinger, Grant,		
	Sioux .....	Adam Krauter .....	Regent
36.	Dunn, McKenzie .....	Dean Meyer .....	Watford City
37.	Stark .....	Gerald J. (Jerry) Waldera	Dickinson
38.	Stark .....	Ray David .....	Dickinson
39.	Adams, Billings,		
	Bowman, Golden		
	Valley, Slope ....	R. R. (Rick) Maixner .....	New England
41.	Ward .....	Jerome L. Walsh .....	Minot
43.	Grand Forks .....	Stella Fritzell .....	Grand Forks
44.	Cass .....	Curtis N. Peterson .....	Fargo
45.	Cass .....	Thomas Matchie .....	Fargo
46.	Cass .....	Jens J. Tennefos .....	Fargo
47.	Burleigh .....	Evan E. Lips .....	Bismarck
49.	Burleigh .....	John M. Olson .....	Bismarck
51.	Cass .....	Donald J. Kilander .....	Fargo
52.	Burleigh .....	Joseph A. Satrom .....	Bismarck
53.	Morton .....	Francis Barth .....	Solen

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 6th day of December, 1982.

BEN MEIER  
Secretary of State  
State of North Dakota

Secretary of the Senate  
Forty-eighth Legislative Assembly  
Bismarck, North Dakota 58505

Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of the holdover Senators, elected at the general election in 1980, and duly qualified by the Forty-seventh Legislative Assembly of the State of North Dakota:

Dist.	Counties or parts thereof	Name	Address
4.	Burke, Divide,		
	Mountrail .....	Stanley Wright .....	Stanley
6.	Bottineau, McHenry .	Mark Adams .....	Lansford

8.	McLean .....	Shirley W. Lee .....	Turtle Lake
10.	Cavalier, Towner, Walsh .....	Bill Heigaard .....	Langdon
12.	Benson, Eddy, Ramsey	Joe B. Leibhan .....	Esmond
14.	Wells, Foster .....	Bryce Streibel .....	Fessenden
16.	Walsh .....	Harvey D. Tallackson .....	Grafton
20.	Grand Forks, Traill.	Malcolm S. Tweten .....	Buxton
22.	Cass .....	Gary J. Nelson .....	Casselson
26.	Dickey, Ransom, Sargent .....	LeRoy Erickson .....	DeLamere
28.	Barnes, Dickey, Logan, LaMoure ...	Don Moore .....	Forbes
30.	Burleigh, Emmons, Logan, McIntosh ..	L. L. (Pete) Naaden .....	Braddock
32.	Burleigh .....	Bonnie Miller Heinrich .....	Bismarck
34.	Morton .....	Jan Dykshoorn .....	Mandan
40.	& 50. Ward .....	Chet Reiten .....	Minot
		Rolland W. Redlin .....	Minot
42.	Grand Forks .....	Wayne Stenehjem .....	Grand Forks
48.	Stutsman .....	David E. Nething .....	Jamestown

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 23rd day of November, 1982.

**BEN MEIER**

Secretary of State  
State of North Dakota

#### ROLL CALL

The roll was called and all Senate members were present.

A quorum was declared by the President.

#### OATH OF OFFICE

SEN. NOTHING MOVED that a committee of two be appointed to escort Associate Justice Gerald VandeWalle of the Supreme Court of the State of North Dakota to the rostrum for the purpose of administering the Oath of Office to the newly elected Senators, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Christensen and Heigaard. Associate Justice VandeWalle was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

#### PRAYER

Prayer was offered by Rev. Hal Staats, Pastor, First Presbyterian Church, Bismarck, North Dakota.

Let us pray. We pause, O Lord, at the beginning of our business of the day and somewhat our prideful activities, to approach you. Help us to be sincere in our approach, that we may come before you in reverence and awe; and worship you in spirit and in truth.

Startle us into life that we may be ready to receive new flashes of understanding, and have our eyes opened to behold your wonder and your glory.

Turn us to yourself that we may turn from death to the joy of life, through Jesus Christ our Lord we pray.

Amen.

Mr. John Olsrud, Director of the Legislative Council, explained the legislators' packets and other materials that were distributed to the desks of the Senate members.

#### MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 1:30 p.m., which motion prevailed.

The Senate reconvened at 1:30 p.m., pursuant to recess taken, President Sands presiding.

#### SELECTION OF SENATE SEATS

PRESIDENT SANDS ANNOUNCED that Senate seats will be selected, and preference would be given to those with the greatest seniority as follows:

1983

#### MEMBERS OF SENATE (1983 Session not included)

#### SENATE SENIORITY TABLE:

NAME	SESSIONS SERVED	TOTAL SENATE SESSIONS	TOTAL LEGISLATIVE SESSIONS
Berube, Phillip	1953-55-57-59-61-63-65- 67-69-71-73-75-77-79-81	15	15
Lips, Evan E.	1961-63-65-67-69-71-73- 75-77-79-81	11	11
Mutch, Duane	1959-61-63-65-67-69-71- 73-75-79-81	11	11
Wenstrom, Frank A.	1957-59-67-69-71-73-75- 77-79-81	10	10
Nothing, David E.	1967-69-71-73-75-77-79- 81	8	8
Redlin, Rolland W.	1959-61-63-73-75-77-79- 81	8	8
Barth, Francis	1971-73-75-77-79-81	6	6
Thane, Russell T.	1971-73-75-77-79-81	6	6
Fritzell, Stella	1973-75-77-79-81	5	5
Goodman, Chuck	1973-75-77-79-81	5	5
Lashkowitz, Herschel	1965-75-77-79-81	5	5
Lee, Shirley W.	1973-75-77-79-81	5	5
Naaden, L. L.	1973-75-77-79-81	5	5
Reiten, Chester	1973-75-77-79-81	5	5

Wright, Stanley	1973-75-77-79-81	5	5
Christensen, Hal	(House 1973)-75-77-79-81	4	5
Walsh, Jerome L.	(House 1971)-75-77-79-81	4	5
Peterson, Curtis N.	1973-77-79-81	4	4
Vosper, F. Kent	1975-77-79-81	4	4
Lodoen, Clayton A.	(House 1973)-77-79-81	3	4
Tennefos, Jens J.	(House 1975)-77-79-81	3	4
Holmberg, Raymon E.	1977-79-81	3	3
Nelson, Gary J.	1977-79-81	3	3
Tallackson, Harvey D.	1977-79-81	3	3
Dotzenrod, James A.	1979-81	2	2
Krauter, Adam	1977-79	2	2
Miller Heinrich, B.	1977-79-[Nov. 81]	2	2
Streibel, Bryce	(House 1957-59-63-65-67-69-71-73)-81	1	9
Erickson, LeRoy	(House 1967-73-75-77-79)-81	1	6
Leibhan, Joe	(House 1967-69-73-75-79)-81	1	6
Tweten, Malcolm S.	(House 1973-75-77-79)-81	1	5
Stenehjem, Wayne	(House 1977-79)-81	1	3
Moore, Donald	(House 1971)-81	1	2
Adams, Mark	1981	1	1
Bakewell, Bruce	1981	1	1
Dykshoorn, Jan	1981	1	1
Grotberg, Perry B.	1981	1	1
Parker, William	1981	1	1
Stromme, Floyd	1981	1	1
Maixner, R. R.	(House 1977-79)	0	2
Matchie, Thomas	(House 1977-81)	0	2
Heigaard, William	(House 1981)-[Nov. 81]	0	1
David, Ray		0	
Hilken, E. Gene		0	
Kilander, Donald J.		0	
Kusler, Jim		0	
Meyer, Dean		0	
Meyer, Jerry		0	
Olson, John M.		0	
Satrom, Joseph A.		0	
Todd, Art		0	
Waldera, Gerald J.		0	
Wogsland, Dan		0	

## MOTIONS

SEN. NETHING MOVED that the name of Leo Leidholm of McLean County be placed in nomination for the office of Secretary of the Senate.

SEN. NELSON MOVED that nominations cease, which motion prevailed.

## JOURNAL OF THE SENATE

## ROLL CALL

The question being on the selection of Leo Leidholm as Secretary of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Miller Heinrich; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

Leo Leidholm was declared elected Secretary of the Senate. President Sands then administered the Oath of Office to the Secretary of the Senate.

SEN. NETHING MOVED that the name of Doris McMahon of Burleigh County be placed in nomination for the office of Desk Reporter of the Senate.

SEN. NELSON MOVED that nominations cease, which motion prevailed.

## ROLL CALL

The question being on the selection of Doris McMahon as Desk Reporter of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Miller Heinrich; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

Doris McMahon was declared elected Desk Reporter of the Senate. President Sands then administered the Oath of Office to the Desk Reporter.

SEN. NETHING MOVED that the name of Olger Sandven of Benson County be placed in nomination for the office of Sergeant-at-Arms of the Senate.

SEN. NELSON MOVED that nominations cease, which motion prevailed.

#### ROLL CALL

The question being on the selection of Olger Sandven as Sergeant-at-Arms of the Senate, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Miller Heinrich; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

Olger Sandven was declared elected Sergeant-at-Arms of the Senate. President Sands then administered the Oath of Office to the Sergeant-at-Arms.

#### ELECTION OF PRESIDENT PRO TEM

SEN. GOODMAN: It's my honor today to nominate for the office of President Pro Tem, Senator Russell Thane. I'm sure many of you know, the President Pro Tem will preside over this body when the Lieutenant Governor is absent from the Senate, and the President Pro Tem also serves as president during the interim.

It is also kind of interesting to note that if the Governor would be out of the state, of course the Lieutenant Governor then is the acting head of our state and then followed by the Secretary of State, the Speaker of the House, and then the President Pro Tem of the Senate.

Senator Russ Thane has been in the Senate since 1971, he has served on the Judiciary and the Agriculture committees, he's been on the Appropriations Committee for four terms and he has served the last four sessions as assistant majority leader. He's a beautiful family man, he farms in the Wahpeton area, has two children.

He will serve this body with experience and in the integrity of his many years in the state Senate. This

office is a vital one and it's vital that the President Pro Tem follow procedure and that he follow it with respect to both parties. Senator Thane will represent this Senate extremely well as our next President Pro Tem.

SEN. TWETEN: I'm pleased to second the nomination of Senator Thane. Senator Thane has served as assistant to the majority of our Senate for three terms, he's very capable and fair. I served with him on Appropriations last session and found him to be one of the leaders and people we could depend on and it's an honor for me at this time to second the nomination of Senator Thane.

SEN. TALLACKSON: Mr. President and honored colleagues. It is an honor and a privilege for me to nominate Herschel Lashkowitz as our candidate for the President Pro Tem of the Senate.

Herschel is truly a man of the common people. Herschel is a lifelong resident of the State of North Dakota, and Fargo. His lifetime of service to the people of his district and North Dakota includes his term of mayor for twenty years and he served this during a period of great growth and progress for Fargo. He has a unique grasp of the needs of all the people of North Dakota.

Herschel was first selected to the Senate in 1964. He was selected the most effective first-term state senator of his party by the newsmen and capitol observers. Herschel is a tireless worker in the Senate. He has been present at all 4,901 consecutive roll call votes taken during his term in the Senate.

We're all impressed by his sincerity and wit. And on the lighter side, we're all happy that he's given up the habit of eating his styrofoam cups. It's a real privilege again and a pleasure for me to nominate Herschel Lashkowitz as our candidate for the President Pro Tem of the Senate.

SEN. REDLIN: Mr. President and members of the Senate, I am pleased to rise to second the nomination of Senator Herschel Lashkowitz, a man with a long and distinguished public service career. I urge you to support him for President Pro Tem. His service in the Senate, particularly on the Rules Committee and the Judiciary Committee, significantly qualifies him for this important position. I urge you to support him.

#### MOTION

SEN. NETHING MOVED that nominations cease, which motion prevailed.



## ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 32 VOTES FOR THANE, 21 VOTES FOR LASHKOWITZ, 0 ABSENT AND NOT VOTING.

VOTES FOR THANE: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Todd; Tweten; Vosper; Wenstrom; Wright

VOTES FOR LASHKOWITZ: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Hilken; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Miller Heinrich; Redlin; Satrom; Stromme; Tallackson; Thane; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

Senator Thane was elected President Pro Tem.

SEN. LASHKOWITZ: Mr. President and members of the Senate, I'm going to move at this time that the Secretary be instructed to cast a unanimous ballot for our good friend and colleague, Senator Thane, and in doing so I want to acknowledge with my gratitude the consideration extended to me by this fine body in this nomination. As I look at the job description of the President Pro Tem, I am very much impressed by the emoluments and hereditas of this lofty position and I am certain that Senator Thane will be an outstanding representative of this body and the State of North Dakota, and I can't think of a nicer person to lose to than our colleague from Richland County to the south. Thank you so much.

SEN. NOTHING: Mr. President, I move that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum. The motion prevailed and the President appointed as such committee, Senators Goodman and Lashkowitz.

President Pro Tem Thane was escorted to the rostrum and the President administered the Oath of Office.

SEN. THANE: Just a few remarks to my colleagues and friends on both sides of the aisle. A special congratulations to my worthy opponent from the twenty-first district. If I hadn't been elected, I'm sure he would have been the best qualified man to serve in my position. I pledge, whenever the occasion arises, to carry out the duties of this office to the best of my ability, hopefully, it will not be too often because our existing President is very capable and I would have a little problem in filling his shoes. But, nonetheless, I'll be available when needed.

## ADOPTION OF TEMPORARY RULES

SEN. NOTHING MOVED that the Senate and Joint Legislative Rules of the Forty-seventh Legislative Assembly, with amendments, be adopted as the temporary rules of the Senate for the Forty-eighth Legislative Assembly, which motion prevailed.

## PROCEDURAL COMMITTEES

SEN. NOTHING MOVED that a committee of three be appointed to notify the Governor and the House that the Senate is organized and ready to transact business, which motion prevailed. The President appointed as such committee, Senators Lee, Tennefos, and Wogsland.

SEN. NOTHING MOVED that a committee of seven be appointed to form, with the Majority Leader, the **Committee on Committees**, which motion prevailed. The President appointed as such committee, Senators Nelson, Thane, Naaden, Lodoen, Redlin, Miller Heinrich, and Matchie.

SEN. NOTHING MOVED that a committee of five be appointed to act as a **Committee on Delayed Bills**, which motion prevailed. The President appointed as such committee, Senators Nelson, Mutch, Tennefos, Tallackson, and Maixner.

SEN. NOTHING MOVED that a committee of three be appointed to act as a **Committee on Arrangements for Senate Committee Rooms**, which motion prevailed. The President appointed as such committee Senators Lips, Peterson, and Dotzenrod.

SEN. NOTHING MOVED that a committee of five be appointed to act as a **Committee on Employment**, which motion prevailed. The President appointed as such committee, Senators Thane, Nelson, Naaden, Barth, and Satrom.

SEN. NOTHING MOVED that a committee of three be appointed to act as a **Committee on Correction and Revision of the Journal**, which motion prevailed. The President appointed as such committee Senators Tweten, David, and Jerry Meyer.

SEN. NOTHING MOVED that a committee of five be appointed to act as a **Committee on Enrolling and Engrossing**, which motion prevailed. The President appointed as such committee, Senators Fritzell, Dykshoorn, Moore, Krauter, and Kusler.

SEN. NOTHING MOVED that a committee of nine be appointed to act as a **Committee on Senate and Joint Rules**, which motion prevailed. The President appointed as such committee, Senators Streibel, Nothing, Nelson, Naaden, Thane, Lodoen, Lashkowitz, Redlin, and Waldera.

SEN. NOTHING MOVED that a committee of three be appointed to act as a **Committee on Photography**, which motion prevailed. The President appointed as such committee Senators Bakewell, Kilander, and D. Meyer.

SEN. NETHING MOVED that a committee of three be appointed to act with a like committee from the House, as an **Inaugural Planning Committee**, which motion prevailed. The President appointed as such committee Senators Adams, Todd, and Hilken.

**POINT OF PERSONAL PRIVILEGE**

SEN. THANE: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the journal.

Mr. President, ladies and gentlemen of the Senate, it is important on this particular day that we pause for a few minutes to reflect on an event in history. It has been very easy for some of us to forget this day forty-one years ago when we were propelled into the greatest war this world has ever known. The memory of that fateful morning has been engraved into the minds of us who can remember and it has changed our lives and changed the course of history. We must remember that over forty percent of the nation's people were not yet born on that particular day. They too have been changed and influenced by those events. It helps little, forty-one years later, to mourn the deaths of over three thousand brave men who died during that attack. It is, however, fitting that we pause for a moment to honor them and all those who served and died in that war. We all fervently hope that the world has matured and peace will prevail. With the President's permission, I would ask that all of us rise for a moment of silent prayer in memory of that day.

SEN. LEE ANNOUNCED that the committee appointed to notify the Governor and the House that the Senate is organized and ready to transact business has completed its task and requested that the committee be discharged, which request was granted.

The Committee from the House was received and informed the Senate that the House is organized and ready to transact business.

SEN. NETHING ANNOUNCED that there will be a joint session in the House to hear the remarks of the Governor of the State of North Dakota immediately after adjournment.

SEN. NETHING MOVED that the Senate adjourn until 9:00 a.m., Wednesday, December 8, 1982, which motion prevailed.

LEO LEIDHOLM, Secretary