

**Organizational and Orientation Session
December 4, 5, and 6, 2006**

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, December 4, 2006

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Scott Bauman, Charity Lutheran, Bismarck.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 4, 2006**

In accordance with North Dakota Century Code Section 54-03-03, I certify that the attached is a true and correct listing of Senators elected in the General Election, which was held on November 7, 2006. They were issued Certificates of Election after the State Canvassing Board certified the results on November 21 and December 4, 2006.

The Certificates of Election were prepared by the Secretary of State and signed by the Governor, Clerk of the Supreme Court, and the Secretary of State as prescribed in North Dakota Century Code Sections 16.1-15-45 and 16.1-15-46.

In addition, in accordance with Section 4, Article XI, of the North Dakota Constitution, an Oath of Office (or affirmation) form was provided to each Senator, with instructions to execute it before a Notary Public and file it with the Secretary of State before they assume the duties of their office.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

**60th Legislative Assembly
Senators Elected - General Election, November 7, 2006**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
Stanley W. Lyson	1
Robert Horne	3
Tom Seymour	5
Ryan M. Taylor	7
Richard Marcellais	9
Tim Mathern	11
Judy Lee	13
Dave Oehlke	15
Ray Holmberg	17
Arthur H. Behm	19
Carolyn Nelson	21
Joan Heckaman	23
Arden Anderson	25
Jim Pomeroy	27
Terry M. Wanzek	29
Aaron Krauter	31
Randel Christmann	33
Tracy Potter	35
Rich Wardner	37
Bill L. Bowman	39
Tony Grindberg	41
JoNell Bakke	43
Tom Fiebiger	45
Ralph Kilzer	47

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 4, 2006**

I hereby certify that the attached is a true and correct listing of Senators whose terms in office do not expire until midnight on November 30, 2008.

The list also includes the appointment made to fill the unexpired term in District 10 according to North Dakota Century Code Section 16.1-13-10.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

**60th Legislative Assembly
Members of the North Dakota Senate
Terms expiring November 30, 2008**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
John M. Andrist	2
John Warner	4
David Paul O'Connell	6
Layton Freborg	8
Dave Nething	12
Jerry Klein	14
Harvey Tallackson	16
Constance (Connie) Triplett	18
Elroy N. Lindaas	20
Gary A. Lee	22
Larry J. Robinson	24
Joel C. Heitkamp	26
Robert S. Eberle	28
Bob Stenehjem	30
Dick Dever	32
Dwight Cook	34
Herb Urlacher	36
Ben Tollefson	38
Karen K. Krebsbach	40
Nick Hacker	42
Tim Flakoll	44
Tom Fischer	46

According to North Dakota Century Code Section 16.1-13-10, when appointed to an un-expired term, a legislator assumes the duties of his or her new position when issued a certificate of appointment by the Secretary of State and upon the filing of his or her Oath of Office. The Certificate of Appointment for the following Senator was issued on December 4, 2006.

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
Curtis Olafson	10

ROLL CALL

A manual roll was called and all members were present.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Justice Mary Muehlen Maring to the rostrum to administer the Oath of Office to the newly elected members. The President appointed Sens. Nething and Tallackson.

OATH OF OFFICE

JUSTICE MARY MUEHLEN MARING ADMINISTERED the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

Jay E. Buringrud, Assistant Director of the Legislative Council, explained the contents of the packets handed out to the members of the Senate.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:20 p.m., which motion prevailed.

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

MOTION

SEN. KILZER MOVED the nomination of William Horton for the office of Secretary of the Senate, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that nominations cease and that a unanimous ballot be cast for William Horton as Secretary of the Senate, which motion prevailed.

MOTION

SEN. DEVER MOVED the nomination of Karen Hoovestol for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that nominations cease and that a unanimous ballot be cast for Karen Hoovestol as Journal Reporter, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED the nomination of Mel Beckler for the office of Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. KLEIN MOVED that nominations cease and that a unanimous ballot be cast for Mel Beckler as Sergeant-at-Arms, which motion prevailed.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms.

MOTION

SEN. FISCHER MOVED the nomination of Sen. J. Lee for the office of President Pro Tem.

MOTION

SEN. TAYLOR MOVED the nomination of Sen. Seymour for the office of President Pro Tem.

ROLL CALL

The question being on the nomination for President Pro Tem, the roll was called and there were 26 VOTES FOR SEN. J. LEE, 21 VOTES FOR SEN. SEYMOUR, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

VOTES FOR SEN. J. LEE: Andrist; Bowman, Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Nething; Oehlke; Olafson; Seymour; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner

VOTES FOR SEN. SEYMOUR: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Tallackson; Taylor; Triplett; Warner.

MOTION

SEN. SEYMOUR MOVED that the Senate cast a unanimous ballot for Sen. J. Lee as President Pro Tem, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum, which motion prevailed. The President appointed Sens. Grindberg and Warner.

REMARKS OF PRESIDENT PRO TEM J. LEE

Thank you, Mr. President, Senator Fischer, Senator Grindberg, Senator Warner. Thank you, members of the Senate. I am honored by the confidence you have placed in me, and I will do my best to uphold the traditions of the Senate. I look forward to serving as your President Pro Tem. Thank you.

MOTION

SEN. CHRISTMANN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Fifty-ninth Legislative Assembly, as adopted on Wednesday, December 8, 2004, except for the following:

PROPOSED AMENDMENT OF SENATE RULE 501(1)

SECTION 1. AMENDMENT. Subsection 1 of Senate Rule 501 is amended as follows:

1. The Committee on Committees consists of ~~nine~~ eight members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as the chairman. The Majority Leader shall appoint ~~five~~ four other members from the majority party and three members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees.

SELECTION OF SENATE SEATS

PRESIDENT DALRYMPLE ANNOUNCED that Senate seats would be selected according to the following Seniority Table:

**2007
SENATE SENIORITY TABLE**
(2007 session not included)

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Nothing, Dave	1967-69-71-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01-03-05	20	20
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05	15	15
Tallackson, Harvey	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05	15	15
Freborg, Layton W.	(House 1973-75-79-81)-85-87-89-91-93-95-97-99-01-03-05	11	15
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05	10	10
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03-05	9	12
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05	9	9
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05	9	9
Bowman, Bill L.	1991-93-95-97-99-01-03-05	8	8
Krauter, Aaron	1991-93-95-97-99-01-03-05	8	8
Lindaas, Elroy N.	1991-93-95-97-99-01-03-05	8	8
Urlacher, Herb	(House 1989-91)-93-95-97-99-01-03-05	7	9
Andrist, John M.	1993-95-97-99-01-03-05	7	7
Grindberg, Tony	1993-95-97-99-01-03-05	7	7
Stenehjem, Bob	1993-95-97-99-01-03-05	7	7
Nelson, Carolyn	(House 1987-93)-95-97-99-01-03-05	6	8
Christmann, Randel	1995-97-99-01-03-05	6	6
Heitkamp, Joel C.	1995-97-99-01-03-05	6	6
Lee, Judy	1995-97-99-01-03-05	6	6
Cook, Dwight	1997-99-01-03-05	5	5
Fischer, Tom	1997-99-01-03-05	5	5
Klein, Jerry	1997-99-01-03-05	5	5
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05	4	8
Kilzer, Ralph L.	(House 1997)-99-01-03-05	4	5
Wanzek, Terry M.	(House 1993)-95-97-99-01	4	5
Flakoll, Tim	1999-01-03-05	4	4
Lyson, Stanley W.	1999-01-03-05	4	4
Tollefson, Ben	(House 1985-87-89-91-93-95-97-99)-01-03-05	3	11
Dever, Dick	2001-03-05	3	3
Erbele, Robert S.	2001-03-05	3	3
Lee, Gary A.	2003-05	2	2
Seymour, Tom	2003-05	2	2
Taylor, Ryan M.	2003-05	2	2
Warner, John M.	(House 1997-99-01-03)-05	1	5
Hacker, Nicholas P.	2005	1	1
Triplett, Constance	2005	1	1
Anderson, Arden		0	0
Bakke, JoNell		0	0
Behm, Arthur H.		0	0
Fiebiger, Tom		0	0
Heckaman, Joan		0	0
Horne, Robert		0	0
Marcellais, Richard		0	0
Oehlke, Dave		0	0
Olafson, Curtis		0	0
Pomeroy, Jim		0	0
Potter, Tracy		0	0

MOTION

SEN. CHRISTMANN 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 Sens. Tollefson, Wardner, and Mathern.

PROCEDURAL COMMITTEES

SEN. CHRISTMANN MOVED that a committee of seven be appointed to form, with the Majority Leader, Sen. Stenehjem, the **Committee on Committees**, which motion prevailed. The President appointed Sens. Grindberg, Holmberg, Lyson, Urlacher, Heitkamp, Triplett, and O'Connell.

SEN. CHRISTMANN MOVED that a committee of three be appointed to act as the **Committee on Arrangements for Senate Committee Rooms**, which motion prevailed. The President appointed Sens. Christmann, Dever, and Lindaas.

SEN. CHRISTMANN MOVED that a committee of three be appointed to act as the **Committee on Correction and Revision of the Journal**, which motion prevailed. The President appointed Sens. Andrist, Wardner, and Heckaman.

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as the **Delayed Bills Committee**, which motion prevailed. The President appointed Sens. Cook, Flakoll, Wanzek, Robinson, and Mathern.

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as the **Employment Committee**, which motion prevailed. The President appointed Sens. Flakoll, Kilzer, Dever, Warner, and Bakke.

SEN. CHRISTMANN MOVED that a committee of three be appointed to act, with a like committee from the House, as the **Inaugural Planning Committee**, which motion prevailed. The President appointed Sens. Krebsbach, Lyson, and Nelson.

SEN. CHRISTMANN MOVED that a committee of be appointed to act as the **Rules Committee**, which motion prevailed. The President appointed Sens. Holmberg, Christmann, Fischer, Freborg, Klein, Taylor, Nelson, Anderson, and Krauter.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 5, 2006, which motion prevailed.

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

William R. Horton, Secretary

