

**Organizational and Orientation Session
December 1, 2, 3, 2008**

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, December 1, 2008

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

The prayer was offered by Dan Sweeney, Chaplain, Bismarck Police Department, Bismarck.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 1, 2008**

In accordance with Section 54-03-03 of the North Dakota Century Code, I certify the attached list is a true and correct record of members of the Senate elected in the General Election held on November 4, 2008.

Each member was issued a Certificate of Election (copies enclosed) after the State Canvassing Board certified the results of the election on November 18, 2008, and November 26, 2008. 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 the Oath before a Notary Public and file it with the Secretary of State before he or she assumes 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.

**61st Legislative Assembly
Senators Elected - General Election, November 4, 2008**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
John M. Andrist	2
John M. Warner	4
David O'Connell	6
Layton W. Freborg	8
Curtis Olafson	10
Dave Nething	12
Jerry Klein	14
Joe Miller	16
Constance "Connie" Triplett	18
Elroy N. Lindaas	20
Gary A. Lee	22
Larry J. Robinson	24
Jim Dotzenrod	26
Robert S. Erbele	28
Bob Stenehjem	30
Dick Dever	32
Dwight Cook	34
George Nodland	36
David Hogue	38
Karen K. Krebsbach	40
Mac Schneider	42
Tim Flakoll	44
Tom Fischer	46

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 1, 2008**

In accordance with Section 54-03-03 of the North Dakota Century Code, I hereby certify the attached list is a true and correct record of members of the Senate whose terms in office do not expire until midnight on November 30, 2010.

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.

**61st Legislative Assembly
Members of the North Dakota Senate
Terms expiring November 30, 2010**

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

ROLL CALL

The roll was called and all members were present.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Justice Carol Ronning Kapsner to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed. The President appointed Sens. Freborg and Triplett.

OATH OF OFFICE

JUSTICE CAROL RONNING KAPSNER ADMINISTERED the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

Mr. 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. COOK MOVED the nomination of Fran Gronberg for the office of Secretary of the Senate, which motion prevailed.

MOTION

SEN. OLAFSON MOVED that nominations cease and that a unanimous ballot be cast for Fran Gronberg as Secretary of the Senate, which motion prevailed.

MOTION

SEN. DEVER MOVED the nomination of Jane Schaible for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. OEHLKE MOVED that nominations cease and that a unanimous ballot be cast for Jane Schaible as Journal Reporter, which motion prevailed.

MOTION

SEN. KILZER MOVED the nomination of Jacklyn Pfliger for the office of Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. J. LEE MOVED that nominations cease and that a unanimous ballot be cast for Jacklyn Pfliger 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. COOK MOVED the nomination of Sen. Fischer for the office of President Pro Tem.

MOTION

SEN. TRIPLETT MOVED the nomination of Sen. Warner 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. FISCHER, 21 VOTES FOR SEN. WARNER, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

VOTES FOR SEN. FISCHER: Andrist; Bowman, Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjelm; Wanzek; Wardner; Warner.

VOTES FOR SEN. WARNER: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Fischer; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett.

MOTION

SEN. WARNER MOVED that the Senate cast a unanimous ballot for Sen. Fischer 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. Holmberg and Robinson.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to President Pro Tem Fischer.

REMARKS OF PRESIDENT PRO TEM FISCHER

Thank you, Mr. President, Senator Cook, Senator Holmberg, Senator Robinson, members of the Senate. Thank you for your support. I am at a loss for words. I am honored to serve as your President Pro Tem. I promise to serve as your President Pro Tem to the best of my ability and to preserve the integrity of the Senate. Thank you.

MOTION

SEN. CHRISTMANN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Sixtieth Legislative Assembly, as adopted on Wednesday, December 6, 2006, which motion prevailed.

SELECTION OF SENATE SEATS

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

**2009
SENATE SENIORITY TABLE**
(2009 session not included)

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Nething, Dave	1967-69-71-73-75-77-79-81-83-85- 87-89-91-93-95-97-99-01-03-05-07	21	21
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95- 97-99-01-03-05-07	16	16
Freborg, Layton W.	(House 1973-75-79-81)-85-87-89-	12	16

	91-93-95-97-99-01-03-05-07		
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07	11	11
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03-05-07	10	13
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07	10	10
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07	10	10
Bowman, Bill	1991-93-95-97-99-01-03-05-07	9	9
Krauter, Aaron	1991-93-95-97-99-01-03-05-07	9	9
Lindaas, Elroy N.	1991-93-95-97-99-01-03-05-07	9	9
Andrist, John M.	1993-95-97-99-01-03-05-07	8	8
Dotzenrod, Jim	1979-81-83-85-87-89-91-93	8	8
Grindberg, Tony	1993-95-97-99-01-03-05-07	8	8
Stenehjem, Bob	1993-95-97-99-01-03-05-07	8	8
Nelson, Carolyn	(House 1987-93)-95-97-99-01-03-05-07	7	9
Christmann, Randel	1995-97-99-01-03-05-07	7	7
Lee, Judy	1995-97-99-01-03-05-07	7	7
Cook, Dwight	1997-99-01-03-05-07	6	6
Fischer, Tom	1997-99-01-03-05-07	6	6
Klein, Jerry	1997-99-01-03-05-07	6	6
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07	5	9
Kilzer, Ralph L.	(House 1997)-99-01-03-05-07	5	6
Wanzek, Terry M.	(House 1993)-95-97-99-01-07	5	6
Flakoll, Tim	1999-01-03-05-07	5	5
Lyson, Stanley W.	1999-01-03-05-07	5	5
Dever, Dick	2001-03-05-07	4	4
Erbele, Robert S.	2001-03-05-07	4	4
Lee, Gary A.	2003-05-07	3	3
Seymour, Tom	2003-05-07	3	3
Taylor, Ryan M.	2003-05-07	3	3
Warner, John M.	(House 1997-99-01-03)-05-07	2	6
Triplett, Constance	2005-07	2	2
Anderson, Arden C.	2007	1	1
Bakke, JoNell A.	2007	1	1
Behm, Arthur H.	2007	1	1
Fiebiger, Tom	2007	1	1
Heckaman, Joan	2007	1	1
Horne, Robert M.	2007	1	1
Marcellais, Richard	2007	1	1
Oehlke, Dave	2007	1	1
Olafson, Curtis	2007	1	1
Pomeroy, Jim	2007	1	1
Potter, Tracy	2007	1	1
Hogue, David		0	0
Miller, Joe		0	0
Nodland, George		0	0
Schneider, Mac		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. Nething, Andrist, and Schneider.

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 announced the appointment of Sens. Grindberg, Holmberg, Lyson, Krebsbach, O'Connell, Anderson, and Triplett.

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 announced the appointment of Sens. Christmann, Oehlke, and Bakke.

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 announced the appointment of Sens. Andrist, Wardner, and Pomeroy.

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as the **Delayed Bills Committee**, which motion prevailed. The President announced the appointment of Sens. Klein, Wanzek, G. Lee, Mathern, and Potter.

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

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 announced the appointment of Sens. J. Lee, Olafson, and Nelson.

SEN. CHRISTMANN MOVED that a committee of nine be appointed to act as the **Rules Committee**, which motion prevailed. The President announced the appointment of Sens. Holmberg, Christmann, Fischer, Freborg, Erbele, Fiebiger, Taylor, Schneider, and Horne.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 2, 2008, which motion prevailed.

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

Fran A. Gronberg, Secretary

