

**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; Stenehjem; 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<br>Senate<br>Sessions | Total<br>Legislative<br>Sessions |
|--------------------|--|-----------------------------|----------------------------------|
| Nething, Dave      | 1967-69-71-73-75-77-79-81-83-85-<br>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-<br>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**

