

Organizational and Orientation Session
December 6, 7, 8, 1988

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, December 6, 1988

At the hour of 9:00 a.m., on the sixth day of December 1988, according to the Constitution and Statutes of North Dakota, the holdover members and members elected to the Senate of the Fifty-first Legislative Assembly of North Dakota, assembled in the North Dakota State Capitol at Bismarck, North Dakota, and were called to order by the Honorable Lloyd Omdahl, 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 1987 Secretary of the Senate, Perry Grotberg, as follows:

Secretary of the Senate
Fifty-first 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 Fifty-first Legislative Assembly of the State of North Dakota:

Dist. No. - Counties or Parts Thereof	Name	Address
2. Williams, Divide	Erwin M. Hanson	Crosby
4. Mountrail, Burke, Divide	Meyer D. Kinnoin	Stanley
6. Bottineau, McHenry	David Paul O'Connell	Lansford
8. McLean	Layton Freborg	Underwood
10. Cavalier, Towner Walsh	William Heigaard	Langdon
12. Benson, Eddy, Ramsey	Byron Langley	Warwick
14. Wells, Foster	Bryce Streibel	Fessenden
16. Walsh	Harvey D. Tallackson	Grafton
17. Grand Forks	Jack Ingstad	Grand Forks
18.		
20. Grand Forks, Traill	Clark Ewen	Mayville
22. Cass	Gary J. Nelson	Casselton
24. Barnes	Larry Robinson	Valley City
26. Dickey, Sargent, Ransom	Jerome Kelsh	Fullerton
28. Logan, LaMoore, Dickey, Barnes	Don Moore	Forbes

30.	Emmons, McIntosh, Burleigh, Logan	L. L. "Pete" Naaden	Braddock
32.	Burleigh	Bonnie Heinrich	Bismarck
34.	Morton	Corliss Mushik	Mandan
36.	McKenzie, Dunn	Dean J. Meyer	Watford City
38.	Stark	Ray David	Dickinson
40.	Ward	Karen K. Krebsbach	Minot
&		Rolland W. (Rollie) Redlin	Minot
50.			
42.	Grand Forks	Wayne Stenehjem	Grand Forks
44.	Cass	Curtis N. Peterson	Fargo
46.	Cass	Jens Tennefos	Fargo
48.	Stutsman	David E. Nething	Jamestown
52.	Burleigh	Joseph A. Satrom	Bismarck

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st Day of December, 1988.

BEN MEIER
Secretary of State
State of North Dakota

Secretary of the Senate
Fifty-first 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 1986, and duly qualified for the Fifty-first Legislative Assembly.

Dist. No. - Counties or Parts Thereof	Name	Address
1. Williams	Jim Yockim	Williston
3. Renville, Ward	Jerry Meyer	Berthold
5. Ward	Larry W. Schoenwald	Minot
7. McHenry, Pierce	Ben Axtman	Rubgy
9. Rolette	Allen Richard	Dunseith
11. Pembina, Walsh	F. Kent Vosper	Neche
13. Cass	Clayton A. Lodoen	West Fargo
15. Ramsey	Floyd Stromme	Devils Lake
17. Grand Forks	Ray Holmberg	Grand Forks
&		
18.		
19. Grand Forks	Duane Mutch	Larimore
21. Cass	Herschel Lashkowitz	Fargo
23. Nelson, Griggs, Steele	Daniel K. Wogsland	Hannaford
25. Richland	Russell T. Thane	Wahpeton
27. Ransom, Richland	James A. Dotzenrod	Wynndmere
29. Stutsman	Art Todd	Jamestown
31. Burleigh, Sheridan Kidder	E. Gene Hilken	Wilton
33. Mercer, Oliver	Joe Keller	Beulah

35. Grant, Hettinger Sioux	Adam Krauter	Regent
37. Stark	Jerry Waldera	Dickinson
39. Adams, Bowman, Billings, Golden Valley, Slope	R. R. (Rick) Maixner	New England
41. Ward	James Maxson	Minot
43. Grand Forks	R. V. "Dick" Shea	Grand Forks
45. Cass	Donna Nalewaja	Fargo
47. Burleigh	Evan E. Lips	Bismarck
49. Burleigh	John M. Olson	Bismarck
51. Cass	Tim Mathern	Fargo
53. Morton	Walter Meyer	Mandan

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st Day of December, 1988.

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. HEIGAARD MOVED that a committee of two be appointed to escort Associate Justice H. F. Gierke 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, Sens. D. Meyer and Moore. Associate Justice H. F. Gierke was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

PRAYER

Prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck, North Dakota.

Eternal Lord, You are the ruler of nations, by Your precepts our affairs are judged.

Look to those whom we have selected as our leaders. Impress upon them the importance of their responsibilities, but humble them by reminding them of their humanity and their weakness.

Hold before them the ideal of the greatest good for the greatest number, but make them aware, as well, of the rights of the smallest minority in our midst. Turn them away from intemperate decisions and aggressive actions, and into the paths of service for all the people; through Christ, our Lord. Amen.

REMARKS OF LIEUTENANT GOVERNOR LLOYD OMDAHL

During the interim, I appeared before the interim committee on the question of removing the Lieutenant Governor as the presiding officer of the Senate. As a political science professor, I have tended to be very conscious of separation of powers, but my support of that proposal was construed by some as a matter of

personal preference rather than some constitutional principle. I want to make it very clear to the Senate that I am very pleased to be your presiding officer and it has nothing to do with my choice of company. I wanted to assure the members of the Senate that I have my schedule cleared from now until the fifteenth of April and that I will enjoy your company for the next three or four months. I wanted you to be assured that my position on this has nothing to do with presiding personally.

Mr. Jay E. Buringrud, Assistant Director of the Legislative Council, explained the legislators' packets and the other materials that were distributed to the desks of the Senate members.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, President Omdahl presiding.

MOTIONS

SEN. SATROM MOVED that the name of Patricia Conrad be placed in nomination for the office of Secretary of the Senate.

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

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

Patricia Conrad was declared elected Secretary of the Senate. President Omdahl then administered the Oath of Office to the Secretary of the Senate.

MOTIONS

SEN. MATHERN MOVED that the name of Sally Paul be placed in nomination for the office of Desk Reporter of the Senate.

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

ROLL CALL

The question being on the selection of Sally Paul as Desk Reporter of the Senate, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

Sally Paul was declared elected Desk Reporter of the Senate. President Omdahl then administered the Oath of Office to the Desk Reporter.

MOTIONS

SEN. MAIXNER MOVED that the name of Doug Nordby be placed in nomination for the office of Sergeant-at-Arms of the Senate.

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

ROLL CALL

The question being on the selection of Doug Nordby as Sergeant-at-Arms of the Senate, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

Doug Nordby was declared elected Sergeant-at-Arms of the Senate. President Omdahl then administered the Oath of Office to the Sergeant-at-Arms.

ELECTION OF PRESIDENT PRO TEM

SEN. MATHERN: Mr. President. Ladies and gentlemen of the Senate. On this momentous occasion I rise to nominate the man who has served this body since 1965. This man has served with honor and distinction as a member of the Political Subdivisions Committee, the Rules Committee, the Judiciary Committee, the Transportation Committee, the Joint Constitutional Revision Committee, and this last session, 1987, served as Chairman of the Judiciary Committee. The man that I am about to nominate has served the city of Fargo for twenty years as Mayor from 1954 to 1974. As you know, those years were tumultuous years in our cities. This man was elected over and over during those years which shows the confidence that the people placed in him and also shows the dedication that he provided to that office, an office that was funded half-time but was served by him on a full-time basis. This individual also served people individually. I know personally, as I work as a social worker, of his concern from his telephone calls for individuals when they needed service. He never apologized for asking for the service that individuals needed. He went beyond, too, looking for meeting the needs of individuals. He looked for ways of systemic change where discrimination, poverty, and prejudice could be eliminated. Ladies and gentlemen of the Senate, we live in a culture that essentially says we measure success most often by the amount of personal possessions and wealth

one can accumulate. I humbly and with respect nominate for this high office as President Pro Tem of the Senate a counterculture man, a man who has given and continues to give his life not to personal wealth, but to public service, the Honorable Herschel Lashkowitz of Fargo.

SEN. LODDOEN: Mr. President, I would like to place in nomination the man that has served well of this body since being elected in 1974 and has a distinguished career in the Senate. He has served on the Appropriations Committee, the State and Federal and Agriculture Committees, he has been a past Chairman of the Agriculture Committee, and he represents his district well. He is from up in District 11 in Pembina County where they all love him very much, as do the rest of us, and I would like to place in nomination Senator Kent Vosper.

MOTION

SEN. MAIXNER 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 LASHKOWITZ, 21 VOTES FOR VOSPER, 0 ABSENT AND NOT VOTING.

VOTES FOR LASHKOWITZ: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Wogskland; Yockim

VOTES FOR VOSPER: David; Freborg; Holmberg; Ingstad; Krebsbach; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd

ABSENT AND NOT VOTING: None

MOTIONS

SEN. VOSPER MOVED that the Secretary record a unanimous ballot for Senator Lashkowitz, which motion prevailed.

SEN. MAIXNER MOVED 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, Sens. Mathern and Peterson.

SEN. VOSPER: Mr. President and members of the Senate. A funny thing just happened. It is not so funny but I feel like a winner today instead of a loser. I have always felt humble and proud and privileged to serve on the floor of the North Dakota Senate and I want to thank those who supported me, and to those who did not, you have supported a worthy member of this body, Senator Lashkowitz. He has been a great warrior who has fought many battles here on the Senate floor. He has left his mark on the North Dakota Senate and on North Dakota. I congratulate you, Senator Lashkowitz, for your victory. I console myself by remembering that you got the gold, but I was right behind you with the silver. Thank you very much.

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

SEN. LASHKOWITZ: Thank you, Lieutenant Governor Omdahl and members of the Senate. Will you please be seated. I am very pleased to accept the election

as President Pro Tem and I want to congratulate Senator Kent Vosper for his gracious speech. His remarks were very much appreciated and they show the kind of gentleman that he is. I also want to congratulate the members of the Senate for their placing their confidence in Senator Vosper and myself, and I hope that we will both be able to work together. I know we will, for the well-being of the state of North Dakota, and with that I want to thank you from the bottom of my heart. Thank you.

ADOPTION OF TEMPORARY RULES

SEN. MAIXNER MOVED that the Senate and the Joint Legislative Rules of the Fiftieth Legislative Assembly as adopted on Wednesday, January 14, 1987, be adopted as the temporary rules of the Senate for the Fifty-first Legislative Assembly, which motion prevailed.

SELECTION OF SENATE SEATS

PRESIDENT OMDAHL ANNOUNCED that Senate seats will be selected and preference would be given first to the Senate leadership and then to those with the greatest seniority as follows:

1989 MEMBERS OF SENATE (1989 Session not included)

SENATE SENIORITY TABLE:

NAME	SESSIONS SERVED	TOTAL SENATE SESSIONS	TOTAL LEGISLATIVE SESSIONS
Lips, Evan E.	1961-63-65-67-69-71-73- 75-77-79-81-83-85-87	14	14
Mutch, Duane	1959-61-63-65-67-69-71- 73-75-79-81-83-85-87	14	14
Nething, David E.	1967-69-71-73-75-77-79- 81-83-85-87	11	11
Redlin, Rolland W.	1959-61-63-73-75-77-79- 81-83-85-87	11	11
Thane, Russell T.	1971-73-75-77-79-81-83- 85-87	9	9
Lashkowitz, Herschel	1965-75-77-79-81-83-85- 87	8	8
Naaden, Pete	1973-75-77-79-81-83-85- 87	8	8
Peterson, Curtis N.	1973-77-79-81-83-85-87	7	7
Vosper, F. Kent	1975-77-79-81-83-85-87	7	7
Lodoen, Clayton A.	(House 1973)-77-79-81- 83-85-87	6	7
Tennefos, Jens	(House 1975)-77-79-81-	6	7

83-85-87

Holmberg, Ray	1977-79-81-83-85-87	6	6
Nelson, Gary J.	1977-79-81-83-85-87	6	6
Tallackson, Harvey D.	1977-79-81-83-85-87	6	6
Heinrich, Bonnie	1977-79-[Nov. 81]- 83-85-87	5	5
Dotzenrod, James A.	1979-81-83-85-87	5	5
Krauter, Adam	1977-79-83-85-87	5	5
Streibel, Bryce	(House 1957-59-63-65-67- 69-71-73)-81-83-85-87	4	12
Stenehjem, Wayne	(House 1977-79)-81-83-85- 87	4	6
Moore, Don	(House 1971)-81-83-85-87	4	5
Stromme, Floyd	1981-83-85-87	4	4
Heigaard, William S.	(House 1981)-[Nov. 81]-83 85-87	3	4
Maixner, Rick	(House 1977-79)-83-85-87	3	5
David, Ray	1983-85-87	3	3
Hilken, E. Gene	1983-85-87	3	3
Meyer, Dean J.	1983-85-87	3	3
Meyer, Jerry	1983-85-87	3	3
Olson, John M.	1983-85-87	3	3
Satrom, Joseph A.	1983-85-87	3	3
Todd, Art	1983-85-87	3	3
Waldera, Jerry	1983-85-87	3	3
Wogsland, Dan	1983-85-87	3	3
Mushik, Corliss	(House 1971-75-77-79-81- 83)-85-87	2	8
Meyer, Walter A.	(House 1975-77-79-81-83)- 85-87	2	7
Freborg, Layton	(House 1973-75-79-81)-85- 87	2	6
Langley, Byron	(House 1973-75-77-79)-85- 87	2	6

Ingstad, Jack	1985-87	2	2
Kelsh, Jerome	1985-87	2	2
Shea, R. V.	1985-87	2	2
Richard, Allen	(House 1977-79-81-83-85)- 87	1	6
Keller, Joe	(House 1983-85)-87	1	3
Nalewaja, Donna	(House 1983-85)-87	1	3
Schoenwald, Larry W.	(House 1983)-87	1	2
Axtman, Ben	1987	1	1
Mathern, Tim	1987	1	1
Maxson, Jim	1987	1	1
Yockim, Jim	1987	1	1
O'Connell, David	(House 1983-85-87)	0	3
Ewen, Clark		0	
Hanson, Erwin		0	
Kinnoin, Meyer D.		0	
Krebsbach, Karen K.		0	
Robinson, Larry		0	

PROCEDURAL COMMITTEES

SEN. MAIXNER 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, Sens. O'Connell, Hanson, and Moore.

SEN. MAIXNER 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, Sens. Heinrich, Stromme, Mushik, Maixner, Olson, Streibel, and Stenehjem.

SEN. MAIXNER 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, Sens. Maixner, Kelsh, Schoenwald, Todd, and Ingstad.

SEN. MAIXNER 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 as such committee, Sens. Mathern, Kinnoin, and David.

SEN. MAIXNER MOVED that a committee of five be appointed to act as a Committee on Employment, which motion prevailed. The President appointed as such committee, Sens. Satrom, W. Meyer, Kelsh, Naaden, and Mutch.

SEN. MAIXNER 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, Sens. Axtman, Robinson, and Freborg.

SEN. MAIXNER 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, Sens. Maixner, Wogsland, Redlin, Waldera, Maxson, Holmberg, Nething, Nelson, and Olson.

SEN. MAIXNER MOVED that a committee of three be appointed to act as a Committee on Photography, which motion prevailed. The President appointed as such committee, Sens. O'Connell, Hanson, and Krebsbach.

SEN. MAIXNER 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, Sens. Hilken, Ewen, and Vosper.

MOTION

SEN. MAIXNER MOVED that the Senate adjourn until 9:00 a.m. Wednesday, December 7, 1988, which motion prevailed.

PATRICIA CONRAD, Secretary