

**Organizational and Orientation Session
December 8, 9, 10, 1992**

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, December 8, 1992

The Senate convened at 9:00 a.m., with President Omdahl presiding.

MOTIONS

SEN. WOGSLAND MOVED that Carol Siegert be appointed Acting Secretary of the Senate until the end of the organizational session, which motion prevailed.

SEN. WOGSLAND MOVED that the Desk Reporter and the Sergeant-at-Arms remain in office until the end of the organizational session, which motion prevailed.

CERTIFICATION

The list of the qualified members and hold over members as certified by the Secretary of State was read by the Acting Secretary of the Senate, Carol Siegert, as follows:

**COMMUNICATION FROM SECRETARY OF STATE JIM KUSLER
December 4, 1992**

I hereby certify that the attached listing 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 1990, and duly qualified for the Fifty-third Legislative Assembly.

<u>Name</u>	<u>City</u>	<u>Leg. Dist.</u>
Jim Yockim	Williston	1
Jim Maxson	Minot	3
Larry Schoenwald	Minot	5
Ken Solberg	Rugby	7
Dan Jerome	Belcourt	9
Tim Mathern	Fargo	11
Jay Lindgren	West Fargo	13
John "Jack" Traynor	Devils Lake	15
Raymon Holmberg	Grand Forks	17
Duane O. Mutch	Larimore	19
Tish Kelly	Fargo	21
Dan Wogsland	Hannaford	23
Russell T. Thane	Wahpeton	25
Jim Dotzenrod	Wyndmere	27
Dale Marks	Ypsilanti	29
Steve Tomac	St. Anthony	31
Joe Keller	Beulah	33
Aaron Krauter	Regent	35
William G. Goetz	Dickinson	37
Bill Bowman	Bowman	39
Jayson "Jay" Graba	Grand Forks	43
Donna Nalewaja	Fargo	45
Evan E. Lips	Bismarck	47
Barb Evanson	Bismarck	49

**COMMUNICATION FROM SECRETARY OF STATE JIM KUSLER
December 4, 1992**

Section 54-03-03 of the North Dakota Century Code instructs the Secretary of the Senate and Chief Clerk of the House of Representatives to "...make a correct roll of the members of their houses respectively to whom certificates of election have been issued by the proper officers." The Office of

Secretary of State has issued Certificates of Election to the names appearing on the attached list with the Great Seal affixed.

On November 17, 1992, and again on December 2, 1992, the State Canvassing Board met in the Office of Secretary of State and canvassed the certified abstracts of Returns from North Dakota's fifty-three counties. The attached certified list is a true and correct list of the candidates who received the highest number of votes for the legislative offices voted upon at the November General Election. As directed by Chapter 16.1-15, Certificates of Election have been issued to these duly elected officers.

Copies of the Certificates of Election for each officer-elect will be provided to you for your records. Finally, each officer-elect has been forwarded the Oath of Office which must be subscribed and filed in the Office of Secretary of State.

<u>Name</u>	<u>City</u>	<u>Leg. Dist.</u>
John Andrist	Crosby	2
Meyer Kinnoin	Stanley	4
David Paul O'Connell	Lansford	6
Layton W. Freborg	Underwood	8
Harvey Sand	Langdon	10
Byron Langley	Warwick	12
Bryce Streibel	Fessenden	14
Harvey D. Tallackson	Grafton	16
Judy L. DeMers	Grand Forks	18
Elroy N. Lindaas	Mayville	20
Gary J. Nelson	Casselton	22
Larry J. Robinson	Valley City	24
Jerome Kelsh	Fullerton	26
L.L. "Pete" Naaden	Braddock	28
Bob Stenehjem	Bismarck	30
Bonnie Heinrich	Bismarck	32
Corliss Mushik	Mandan	34
Herbert Urlacher	Taylor	36
Rolland W. (Rollie) Redlin	Minot	38
Karen K. Krebsbach	Minot	40
Tony Grindberg	Fargo	41
Wayne Stenehjem	Grand Forks	42
"Kit" Catherine Scherber	Fargo	44
Jens Tennefos	Fargo	46
David E. Nething	Jamestown	48

ROLL CALL

The roll call was taken manually by the Acting Secretary Carol Siegert. There were 48 members present, 1 member absent.

PRESENT: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT: Traynor

A quorum was declared by the President.

OATH OF OFFICE

SEN. MATHERN MOVED that a committee of two be appointed to escort Associate Justice Erickstad 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. Marks and Lips. Associate Justice Erickstad was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

PRAYER

Prayer was offered by Father Hugo L. Blotsky, St. Joseph Catholic Church, Mandan.

DISTRIBUTION OF LEGISLATORS' MATERIALS

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. MATHERN MOVED that a committee of eight be appointed to form, with the Majority Leader, the **Committee on Committees**, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Wogsland, Mathern, Heinrich, Mushik, O'Connell, Nelson, W. Stenehjem, and Tennefos.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

ELECTION OF THE PRESIDENT PRO TEM

SEN. KELLY: Mr. President. I would like to place the name of Corliss Mushik in nomination for President Pro Tem of the Senate. Corliss is known to the members of this chamber as hard working, intelligent, and fair minded. She will be even-handed and scrupulously careful in her treatment of all Senators. She is a good choice and well deserves the honor. In paraphrasing her opponents "may her feet never touch the ground" and they probably won't if they don't adjust the Presiding Officer's chair.

SEN. MUTCH: I would like to place a nomination for a colleague of mine, Senator Striebel, who certainly comes to this body, not as a stranger, first arriving over at the house in the "57" session. He served admirably and I was advised not to delve into all his accomplishments, and I would say probably with closing remarks, he is a man who has been unwepted, unhonored, and unsung. With that I trust you will vote your support for Senator Striebel.

MOTION

SEN. MATHERN 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 25 VOTES FOR MUSHIK, 22 VOTES FOR STREIBEL, 2 ABSENT AND NOT VOTING.

VOTES FOR MUSHIK: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Streibel; Tallackson; Tomac; Wogsland; Yockim

VOTES FOR STREIBEL: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Urlacher

ABSENT AND NOT VOTING: Lindgren; Traynor

MOTIONS

SEN. STREIBEL MOVED that the rules be suspended and the Senate cast a unanimous ballot for Sen. Mushik, which motion prevailed.

SEN. MATHERN 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. Tallackson and Lips.

SEN. MUSHIK: Colleagues: Thank you very much. I am pleased and humbled to receive the honor of serving during this session as your President Pro Tem. It is my intention to attempt to be eminently fair whenever I preside. I expect you to tell me if I am not, and I'm sure you will.

I appreciate that I was chosen in part because of years of service in the legislature. The legislature is a marvelous learning vessel.

Each campaign and each session energizes me once again. And I find new and interesting facets to explore. Having the opportunity to serve as your chair of the Legislative Council has presented many occasions to remind me of the need to strengthen and maintain the powers of the legislative body.

Be assured that I am very excited about serving as President Pro Tem.

MOTION

SEN. MATHERN MOVED that the remarks of Sens. Kelly, Mutch, and Mushik be printed in the Journal, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate and Joint Legislative Rules of the Fifty-second Legislative Assembly, as adopted on Thursday, December 6, 1990, and as were amended on January 8, 1991, be adopted as the temporary rules of the Senate, which motion prevailed.

SELECTION OF SENATE SEATS

PRESIDENT OMDAHL ANNOUNCED that Senate seats will be selected according to seniority as follows:

1993

SENATE SENIORITY TABLE
(1993 session not included)

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Lips, Evan E.	1961-63-65-67-69-71-73-75- 77-79-81-83-85-87-89-91	16	16
Mutch, Duane	1959-61-63-65-67-69-71-73- 75-79-81-83-85-87-89-91	16	16
Nething, David E.	1967-69-71-73-75-77-79-81- 83-85-87-89-91	13	13
Redlin, Rolland W.	1959-61-63-73-75-77-79-81- 83-85-87-89-91	13	13
Thane, Russell T.	1971-73-75-77-79-81-83-85- 87-89-91	11	11
Naaden, Pete	1973-75-77-79-81-83-85-87- 89-91	10	10
Tennefos, Jens	(House 1975)-77-79-81-83- 85-87-89-91	8	9
Holmberg, Ray	1977-79-81-83-85-87-89-91	8	8
Nelson, Gary J.	1977-79-81-83-85-87-89-91	8	8
Tallackson, Harvey D.	1977-79-81-83-85-87-89-91	8	8
Heinrich, Bonnie	1977-79-[Nov. 81]-83-85-87- 89-91	7	7
Dotzenrod, Jim	1979-81-83-85-87-89-91	7	7
Streibel, Bryce	(House 1957-59-63-65-67-69-	6	14

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Stenehjem, Wayne	71-73)-81-83-85-87-89-91 (House 1977-79)-81-83-85- 87-89-91	6	8
Wogsland, Dan	1983-85-87-89-91	5	5
Mushik, Corliss	(House 1971-75-77-79-81- 83)-85-87-89-91	4	10
Freborg, Layton	(House 1973-75-79-81)-85- 87-89-91	4	8
Langley, Byron J.	(House 1973-75-77-79)-85- 87-89-91	4	8
Kelsh, Jerome	1985-87-89-91	4	4
Keller, Joe	(House 1983-85)-87-89-91	3	5
Nalewaja, Donna	(House 1983-85)-87-89-91	3	5
Schoenwald, Larry W.	(House 1983)-87-89-91	3	4
Mathern, Tim	1987-89-91	3	3
Maxson, Jim	1987-89-91	3	3
Yockim, James C.	1987-89-91	3	3
O'Connell, David	(House 1983-85-87)-89-91	2	5
Kinnoin, Meyer	1989-91	2	2
Krebsbach, Karen K.	1989-91	2	2
Robinson, Larry J.	1989-91	2	2
Kelly, Tish	(House 1975-77-79-81-83-85- 87-89)-91	1	9
Goetz, William G.	(House 1975-81-83-85-87- 89)-91	1	7
Graba, Jayson	(House 1985-87-89)-91	1	4
Lindgren, Jay	(House 1985-87-89)-91	1	4
Marks, Dale	(House 1987-89)-91	1	3
Tomac, Steven W.	(House 1987-89)-91	1	3
Bowman, Bill L.	1991	1	1
Evanson, Barb	1991	1	1
Jerome, Dan	1991	1	1
Krauter, Aaron	1991	1	1
Lindaas, Elroy N.	1991	1	1
Solberg, Ken	1991	1	1
Traynor, John T.	1991	1	1
DeMers, Judy L.	(House 1983-85-87-89-91)	0	5
Scherber, Kit	(House 1987-89-91)	0	3
Urlacher, Herb	(House 1989-91)	0	2
Andrist, John		0	0
Grindberg, Tony		0	0
Sand, Harvey		0	0
Stenehjem, Bob		0	0

PROCEDURAL COMMITTEES

SEN. MATHERN 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. Redlin, Scherber, and Thane.

SEN. MATHERN 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. Marks, Dotzenrod, and Nalewaja.

SEN. MATHERN 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 as such committee, Sens. Yockim, DeMers, and Krebsbach.

SEN. MATHERN MOVED that a committee of five be appointed to act as the Delayed Bills Committee, which motion prevailed. The President appointed as such committee, Sens. Schoenwald, Kelsh, Mathern, Freborg, and Solberg.

SEN. MATHERN MOVED that a committee of five be appointed to act as the Employment Committee, which motion prevailed. The President appointed as such committee, Sens. Kelsh, Tomac, O'Connell, Naaden, and Mutch.

SEN. MATHERN MOVED that a committee of three be appointed to act as the Inaugural Planning Committee, which motion prevailed. The President appointed as such committee, Sens. Maxson, Robinson, and Evanson.

SEN. MATHERN MOVED that a committee of three be appointed to act as the Photography Committee, which motion prevailed. The President appointed as such committee, Sens. Graba, Lindaas, and Lindgren.

SEN. MATHERN MOVED that a committee of nine be appointed to act as the Rules Committee, which motion prevailed. The President appointed as such committee, Sens. Kelly, Redlin, Mathern, Maxson, O'Connell, Goetz, Streibel, Holmberg, and Nething.

MOTION

SEN. MATHERN MOVED that the absent members be excused, which motion prevailed.

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

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:00 p.m., at which time they reconvene for the Joint Session in the House and on completion of the Joint Session then will stand adjourned until 9:00 a.m., Wednesday, December 9, 1992, which motion prevailed.

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

CAROL SIEGERT, Acting Secretary