

Organizational and Orientation Session
December 6, 7, 8, 1994

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, December 6, 1994

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

CERTIFICATION

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

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

On this day, the State Canvassing Board reviewed the results of the recount conducted in Legislative District 23 for its Senate position.

After its review, the State Canvassing Board has certified Dan Wogsland as being duly elected as Senator from that district.

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

The attached is a true and correct copy of the Senators who were members of the 53rd Legislative Assembly and who still have two years remaining in their term of office.

Since adjournment of the special session of the 53rd Legislative Assembly on July 1, 1994, no new Certificates of Election have been issued in the districts listed on the attached copy.

<u>NAME</u>	<u>CITY</u>	<u>DISTRICT NUMBER</u>
John Andrist	Crosby	2
Meyer Kinnoin	Palermo	4
David O'Connell	Lansford	6
Layton Freborg	Underwood	8
Harvey Sand	Langdon	10
Byron Langley	Warwick	12
Bryce Streibel	Fessenden	14
Harvey Tallackson	Grafton	16
Judy DeMers	Grand Forks	18
Elroy Lindaas	Mayville	20
Gary Nelson	Casselton	22
Larry 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
Herb Urlacher	Taylor	36
Rolland Redlin	Minot	38
Karen Krebsbach	Minot	40
Wayne Stenehjem	Grand Forks	42
"Kit" Scherber	Fargo	44
Jens Tennefos	Fargo	46
David Nething	Jamestown	48

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

According to the provisions of North Dakota Century Code section 54-03-03, the Secretary of the Senate, at the opening of each organizational session, shall make a correct roll of the members of the Senate to whom Certificates of Election have been issued by the proper officers.

As provided for in North Dakota Century Code section 16.1-15-45, Certificates of Election are prepared by the Secretary of State and then signed by the Secretary of State, the Governor, and a member of the State Canvassing Board. Along with those for other elected officials, North Dakota Century Code section 16.1-15-46 also instructs the Secretary of State to issue Certificates of Election to all members of the Legislative Assembly.

Therefore, in order for the requirements of the law to be fulfilled, this letter is to convey a certified list of legislators along with a copy of their Certificate of Election. These legislators were certified on November 22, 1994 by the State Canvassing Board as being duly elected to their position in the general election held on November 8, 1994.

The list is missing one Senator from Legislative District 23. As the result of a demand for a recount, North Dakota Century Code section 16.1-15-55 prohibits the Secretary of State from preparing or delivering a Certificate of Election until such time the recount results have been certified by the State Canvassing Board. As soon as the certification has been made, the appropriate documentation will be forwarded.

Each legislator certified as being elected has been mailed an Oath of Office form to be executed by them as required by Section 7, Article IV, of the North Dakota Constitution. Once the oath has been executed, they have been instructed to file them with this office.

Fifty-fourth Legislative Assembly
Newly Elected Senate Members

<u>NAME</u>	<u>CITY</u>	<u>DISTRICT NUMBER</u>
Jim Yockim	Williston	1
Randy Schobinger	Minot	3
Darlene Watne	Minot	5
Ken Solberg	Rugby	7
Les Lafountain	Dunseith	9
Tim Mathern	Fargo	11
Judy Lee	West Fargo	13
John "Jack" Traynor	Devils Lake	15
Ray Holmberg	Grand Forks	17
Duane Mutch	Larimore	19
Carolyn Nelson	Fargo	21
Russell Thane	Wahpeton	25
Joel Heitkamp	Hankinson	27
Terry Wanzek	Cleveland	29
Steve Tomac	St. Anthony	31
Randy Christmann	Hazen	33
Aaron Krauter	Regent	35
William Goetz	Dickinson	37
Bill Bowman	Bowman	39
Tony Grindberg	Fargo	41
Rod St. Aubyn	Grand Forks	43
Donna Nalewaja	Fargo	45
Evan Lips	Bismarck	47
Ed Kringstad	Bismarck	49
Dan Wogsland	Hannaford	23

OATH OF OFFICE

SEN. G. NELSON MOVED that a committee of two be appointed to escort Chief Justice Gerald W. Vandewalle 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. Naaden and Robinson. Chief Justice Gerald W. Vandewalle was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

PRAYER

The prayer was offered by Glenn R. Ramsey, Jr., Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

DISTRIBUTION OF LEGISLATORS' MATERIAL

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

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

MOTION

SEN. G. NELSON MOVED that the name of William C. Parker be placed in nomination for the office of Secretary of the Senate.

MOTION

SEN. GOETZ MOVED that nominations cease and that we cast a unanimous ballot for William C. Parker for Secretary of the Senate, which motion prevailed.

William C. Parker was declared Secretary of the Senate. President Myrdal then administered the Oath of Office to the Secretary of the Senate.

MOTION

SEN. G. NELSON MOVED that the name of Karen Hoovestol be placed in the nomination for the office of Desk Reporter of the Senate.

MOTION

SEN. GOETZ MOVED that the nominations cease and that we cast a unanimous ballot for Karen Hoovestol as Desk Reporter of the Senate, which motion prevailed.

Karen Hoovestol was declared Desk Reporter of the Senate. President Myrdal administered the Oath of Office to the Desk Reporter of the Senate.

ELECTION OF THE PRESIDENT PRO TEM

SEN. TRAYNOR: Madam President. I have the pleasure of placing a name in nomination for the office of President Pro Tem. As you know the President Pro Tem serves in the absence of our very worthy President of the Senate when she is unable to be on the platform. The office of President Pro Tem is thought of being an honorary office but it is also a very important office and the person that holds that office should have a sense of humor and sense of history. Recently we witnessed an election where there was a turnabout in Washington, D.C. and for the first time in forty years there is going to be a new Republican Speaker of the House. That brought to mind the services of Joe Martin who was a delightful Irishman from Attleboro, Massachusetts and despite the fact that he was a Republican and President Franklin Roosevelt was a Democrat, they got along quite well. In fact, when President Roosevelt came back from the wartime conferences in Tehran and Cairo, he invited the congressional leaders to the White House for a briefing, and the President was still wearing his travel clothes that was a blue plaid shirt. And when the group gathered in the White House, President Roosevelt turned to Speaker Martin and said "Joe, how did you get in here?" And Joe said "Well, Mr. President, it was easy. I didn't have a shirt like you have so I showed the gatekeeper my Elks card." The gentleman I am going to nominate as President Pro Tem has a sense of humor and he also has a sense of history because he has served both in the House of Representatives and in the State Senate in a

leadership capacity. He was Assistant Majority Leader of the House of Representatives for one session, a Minority Leader in the House of Representatives for one session, and a Majority Leader for four sessions in the House. He has also served as Chairman of the Legislative Council for six years and for anybody that has that period of service and those high positions, we should say "well, you should write a book" and he did write a book about his experiences in life in Pathways Through Life. Madam President, it is a pleasure to nominate for President Pro Tem of the Senate, the senator from district 14, the honorable Bryce Streibel.

SEN. YOCKIM: Madam President, members of the Senate. It is a great pleasure that I have to nominate a person who I have served with for many years in the state legislature, and has served his party in the state of North Dakota in an honorable productive fashion. He is known as a leader on both the education committee and the agriculture committee in this body. But above all that I have five reasons I want to especially stress why I think Senator Jerry Kelsh should be the next President Pro Tem. Reason number five is that he has served honorably his constituents, he knows the rules of this body, and he speaks with authority. Reason number four is that he is in the prime of his life. He is energetic and he is a forthright person. Reason number three is, that as you all know, he has the ability and the stature to control unruly senators and he is tolerant of others. Reason number two is he already has a watch. Reason number one was, which is especially important to me personally if I may speak in that fashion, is that when he serves this body as President Pro Tem, he will make available a very important commodity to me and that is more room. I am pleased to place the name of Senator Kelsh for the nomination as your President Pro Tem.

MOTION

SEN. GOETZ MOVED that the nominations cease, which motion prevailed.

ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 29 VOTES FOR SEN. STREIBEL, 20 VOTES FOR SEN. KELSH.

VOTES FOR SEN. STREIBEL: Andrist; Bowman; Christmann; Freborg; Goetz; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; G. Nelson; Nething; Sand; Schobinger; Solberg; St. Aubyn; B. Stenehjem; W. Stenehjem; Teneffos; Thane; Traynor; Urlacher; Wanzek; Watne

VOTES FOR SEN. KELSH: DeMers; Heinrich; Heitkamp; Kinnoin; Krauter; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; C. Nelson; O'Connell; Redlin; Robinson; Scherber; Streibel; Tallackson; Tomac; Wogsland; Yockim

MOTION

SEN. KELSH MOVED that the secretary record a unanimous ballot for Senator Streibel as President Pro Tem, which motion prevailed.

MOTION

SEN. GOETZ 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 as such committee Sens. Mutch and Kinnoin.

President Myrdal then administered the Oath of Office to the President Pro Tem of the Senate.

SEN. STREIBEL: Senator Traynor and Senator Kelsh. Thank you for your kind words. Madam President and colleagues. I want to especially thank my colleagues of the majority caucus for paying me the high honor of serving as President Pro Tem for the Fifty-fourth Legislative Assembly.

Forty-two years ago on Wednesday, January 7, 1953, at the outset of the Thirty-third Legislative Assembly, the senator from district 33, who occupied the desk that Senator C. Nelson occupies, was escorted to this rostrum to be sworn in as President Pro Tem by then Lieutenant Governor C. P. Dahl. That senator was my father, R. M. Streibel from Wells County.

An anecdote of that session occurred following a heated debate, yes, a very heated debate, with considerable parliamentary maneuvering, that resulted in an overruling of the chair, whereupon the chair's Lieutenant Governor C. P. Dahl left the rostrum and walked out of the chamber.

As President Pro Tem, my father assumed the chair and discovered that Lieutenant Governor Dahl had taken the gavel with him. So using a bit of ingenuity Dad asked the desk reporter, Dagny Olson from Devils Lake, for one of her high heeled shoes and proceeded to call the Senate to order.

Now that relatively insignificant event made news nationwide. The network wires took that and parlayed it across the country. And Dad received countless gavels from every corner of this United States. - all kinds of sizes, shapes, colors, you name it. And for obvious reasons, Madam President, I am confident there will be no need for repeating that incident this session.

I anticipate that it will be only on a rare occasion that I will be called upon to preside. However, should that event occur I pledge to each and every one of you to exercise fairness to the fullest.

The voice of the minority, and I am not necessarily referring to the partisan political elements, but rather to the individual or individuals, even unto the least of them, must be protected at all costs. That is what our system of government is all about. In our political system that right must be guarded in a most precious manner.

And, now as we all look forward to resolving the legislative agenda for the people of North Dakota who sent us here, let us get on with it, and thank you.

MOTION

SEN. GOETZ MOVED that the remarks of Sens. Traynor, Yockim, and Streibel be printed in the Journal, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the 53rd Legislative Assembly as adopted on Thursday, December 10, 1992, and published in the 1993 Senate and House Rules and Committees book, which motion prevailed.

SELECTION OF SENATE DESKS

PRESIDENT MYRDAL ANNOUNCED that Senate desks will be selected according to seniority as follows:

SENATE SENIORITY TABLE (1995 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- 77-79-81-83-85-87-89-91-93	17	17
Mutch Duane	1959-61-63-65-67-69-71-73- 75-79-81-83-85-87-89-91-93	17	17
Nething David E.	1967-69-71-73-75-77-79-81- 83-85-87-89-91-93	14	14

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Redlin, Rolland W.	1959-61-63-73-75-77-79-81-83-85-87-89-91-93	14	14
Thane, Russell T.	1971-73-75-77-79-81-83-85-87-89-91-93	12	12
Naaden, Pete	1973-75-77-79-81-83-85-87-89-91-93	11	11
Tennefos, Jens	(House 1975)-77-79-81-83-85-87-89-91-93	9	10
Holmberg, Ray	1977-79-81-83-85-87-89-91-93	9	9
Nelson, Gary J.	1977-79-81-83-85-87-89-91-93	9	9
Tallackson, Harvey D.	1977-79-81-83-85-87-89-91-93	9	9
Heinrich, Bonnie	1977-79-[Nov. 81]-83-85-87-89-91-93	8	8
Streibel, Bryce	(House 1957-59-63-65-67-69-71-73)-81-83-85-87-89-91-93	7	15
Stenehjem, Wayne	(House 1977-79)-81-83-85-87-89-91-93	7	9
Wogsland, Dan	1983-85-87-89-91-93	6	6
Mushik, Corliss	(House 1971-75-77-79-81-83)-85-87-89-91-93	5	11
Freborg, Layton	(House 1973-75-79-81)-85-87-89-91-93	5	9
Langley, Byron J.	(House 1973-75-77-79)-85-87-89-91-93	5	9
Kelsh, Jerome	1985-87-89-91-93	5	5
Nalewaja, Donna	(House 1983-85)-87-89-91-93	4	6
Mathern, Tim	1987-89-91-93	4	4
Yockim, James C.	1987-89-91-93	4	4
O'Connell, David	(House 1983-85-87)-89-91-93	3	6
Kinnoin, Meyer	1989-91-93	3	3
Krebsbach, Karen K.	1989-91-93	3	3
Robinson, Larry J.	1989-91-93	3	3
Goetz, William G.	(House 1975-81-83-85-87-89)-91-93	2	8
Tomac, Steven W.	(House 1987-89)-91-93	2	4
Bowman, Bill L.	1991-93	2	2
Krauter, Aaron	1991-93	2	2
Lindaas, Elroy N.	1991-93	2	2
Solberg, Ken	1991-93	2	2
Traynor, John T.	1991-93	2	2
DeMers, Judy L.	(House 1983-85-87-89-91)-93	1	6
Scherber, Kit	(House 1987-89-91)-93	1	4
Urlacher, Herb	(House 1989-91)-93	1	3
Andrist, John	1993	1	1
Grindberg, Tony	1993	1	1
Sand, Harvey	1993	1	1
Stenehjem, Bob	1993	1	1
Nelson, Carolyn	(House 1987-93)	0	2
St. Aubyn, Rod	(House 1991-93)	0	2
Wanzek, Terry M.	(House 1993)	0	1
Christmann, Randy		0	0
Heitkamp, Joel		0	0
Kringstad, Ed		0	0
LaFountain, Les		0	0
Lee, Judy		0	0
Schobinger, Randy A.		0	0
Watne, Darlene		0	0

PROCEDURAL COMMITTEES

SEN. GOETZ 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. St. Aubyn, Urlacher, and C. Nelson.

SEN. GOETZ 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. Goetz, Freborg, W. Stenehjem, Nalewaja, Wogsland, Mathern, and O'Connell.

SEN. GOETZ MOVED that a committee of five be appointed to act as a **Delayed Bills Committee**, which motion prevailed. The President appointed as such committee, Sens. Freborg, Solberg, Nalewaja, Krauter, and Heitkamp.

SEN. GOETZ 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. Tennefos, Solberg, and LaFountain.

SEN. GOETZ MOVED that a committee of five be appointed to act as the **Employment Committee**, which motion prevailed. The President appointed as such committee, Sens. Naaden, B. Stenehjem, Mutch, Kelsh, and Tomac.

SEN. GOETZ 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. Sand, Bowman, and DeMers.

SEN. GOETZ MOVED that a committee of nine be appointed to act as the **Rules Committee**, which motion prevailed. The President appointed as such committee, Sens. Holmberg, Grindberg, Nething, Krebsbach, Traynor, Mathern, Redlin, O'Connell, and Mushik.

SEN. GOETZ MOVED that a committee of three be appointed to act as the **Photography Committee**, which motion prevailed. The President appointed as such committee, Sens. Andrist, Watne, and Robinson.

SEN. GOETZ 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. B. Stenehjem, Lee, and Scherber.

MOTION

SEN. GOETZ MOVED that the Senate stand adjourned until 9:00 a.m., Wednesday, December 7, 1994, which motion prevailed.

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

William C. Parker, Secretary