

**Organizational and Orientation Session
December 8, 9, 10, 1998**

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, December 8, 1998

The Senate convened at 9:10 a.m., with President Pro Tem Nothing presiding.

CERTIFICATION

The Secretary of the Senate read the communication from the Secretary of State in reference to Certificates of Election for new members and Senators with two years of service remaining.

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

December 3, 1998

According to the provisions of NDCC 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 (NDCC) §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 preparing Certificates of Election for statewide elected officials, NDCC §16.1-15-46 also instructs the Secretary of State to issue Certificates of Election to all members of the Legislative Assembly.

Therefore, in accordance with the above stated sections of law, this letter certifies the attached list of Senators as being duly elected. A copy of each Senator's Certificate of Election has also been included. These legislators were certified on November 18, 1998 by the State Canvassing Board as being duly elected to the North Dakota Senate in the state's General Election held on November 3, 1998.

Each Senator certified as being duly elected has been mailed an Oath of Office SFN 11501 (1-98) to be executed by each legislator as required by Article IV, Section 7 and Article XI, Section 4, of the Constitution of North Dakota. Once their Oath of Office has been executed, Senators have been instructed to file them with this office.

**Fifty-sixth Legislative Assembly
Newly Elected Senate Members**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
Stanley W. Lyson	1
Randy A. Schobinger	3
Darlene Watne	5
Ken Solberg	7
Dennis Bercier	9
Tim Mathern	11
Judy Lee	13
John T. "Jack" Traynor	15
Ray Holmberg	17
Duane Mutch	19
Carolyn Nelson	21
Kenneth Kroeplin	23
Russell T. Thane	25
Joel Heitkamp	27
Terry M. Wanzek	29
Steve Tomac	31
Randel "Randy" Christmann	33
Aaron Krauter	35
Rich Wardner	37
Bill Bowman	39
Tony Grindberg	41
Rod St. Aubyn	43
Tim Flakoll	44
Deb Mathern	45
Ralph Kilzer	47
Edroy Kringstad	49

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 3, 1998**

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

**Fifty-sixth Legislative Assembly
Holdover Senators**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
John M. Andrist	2
Meyer Kinnoin	4
David O'Connell	6
Layton Freborg	8
Harvey Sand	10
Vern Thompson	12
Jerry Klein	14
Harvey D. Tallackson	16
Judy L. DeMers	18
Elroy N. Lindaas	20
Gary J. Nelson	22
Larry J. Robinson	24
Jerome Kelsh	26
L. L. "Pete" Naaden	28
Bob Stenehjem	30
Marv Mutzenberger	32
Dwight C. Cook	34
Herb Urlacher	36
Rolland W. Redlin	38
Karen K. Krebsbach	40
Wayne Stenehjem	42
Tom Fischer	46
David E. Nething	48

PRAYER

The prayer was offered by Rev. Bob Nordvall, Charity Lutheran Church, Bismarck.

ROLL CALL

The roll was called manually by the Secretary of the Senate and there were 47 members present and 2 members absent.

PRESENT: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT: Grindberg; Tallackson

OATH OF OFFICE

SEN. G. NELSON MOVED that a committee of two be appointed to escort Justice Mary Muehlen Maring to the rostrum to administer the Oath of Office to the newly elected Senators, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee Sens. Traynor and Bercier. Justice Maring was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

Jay E. Buringrud, Assistant Director of the Legislative Council, explained the contents of packets distributed to the members of the Senate.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

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

MOTION

SEN. SOLBERG MOVED the nomination of William C. Parker for the position of Secretary of the Senate, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that nominations cease, which motion prevailed.

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

MOTION

SEN. SCHOBINGER MOVED the nomination of Karen Hoovestol for the position of Desk Reporter, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that nominations cease, which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED the nomination of Mel Beckler for the position of Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED the nominations cease, which motion prevailed.

Mel Beckler was declared Sergeant-at-Arms. President Myrdal administered the Oath of Office to the Sergeant-at-Arms.

ELECTION OF THE PRESIDENT PRO TEM

SEN. B. STENEHJEM: Madam President. It is my special honor today to place a name in nomination as the President Pro Tem of the Senate. Although he has served in the Legislature far longer than I have, and although there are some here who have served along with him since he was a member of the House of Representatives in 1977, I know it is fair to say that I have known him longer, and better, than anyone else here. Madam President, I nominate my brother, Senator Wayne Stenehjem of Grand Forks as President Pro Tem.

Wayne was first elected to the House, as I mentioned, in 1976. He was reelected in 1978. Then, in 1980 he made his first bid for the Senate. He was successful then, and has been returned by the voters in District 42 by substantial majorities, ever since. Wayne has served on the Human Services Committee and the Government and Veterans Affairs Committee, but he is perhaps best known for his work on the Judiciary Committee, of which he is now the chairman.

He has gained renown for his strong support of open meetings and open government, for his efforts to improve the court system in our state, and his firm belief in our role, as a Legislature, in remaining the policymaking branch of government. I admire him as a scholar of our state constitution, and as a fair and honest representative of the people of North Dakota. Wayne's roots, and the roots of all our family, go back to the days before North Dakota's statehood. Our grandparents, Martin and Emma Stenehjem, were cochairs of the state's "Citizens for Eisenhower" Committee in 1952, and Emma was well known as a Republican activist from the Minot area.

I can assure you, Madam President and members of the Senate, that while we were growing up, Wayne and I didn't always agree on everything, and we don't always agree here in the Senate either, but he still remembers my birthday. If Wayne is called upon to preside over this chamber, I know he will do so with great skill and the utmost fairness. He knows the rules and procedures as well as anyone here.

Madam President, our late father, Buck Stenehjem, unsuccessfully sought a seat in this Senate twice, once from Mohall where Wayne was born, and then later after our family moved to Williston. I know how proud he would have been to have two sons serve their state here, and I know, too, how proud he would have been to see Wayne receive this high honor from the Senate.

It is with great pleasure that I rise to place in nomination for the office of President Pro Tem, the name of my brother, Senator Wayne Stenehjem.

SEN. REDLIN: Madam President. I also rise to nominate a Senator who loves and respects the process of lawmaking in this chamber - a Senator who is a master at explaining and enlightening people, particularly students, about the workings of democracy as exhibited here with total respect for each other, regardless of our differences. This Senator is informed when he speaks and has a tremendous command of the rules and procedures of this chamber.

I am honored to nominate my neighbor and friend, Senator David O'Connell, for President Pro Tem.

MOTION

SEN. O'CONNELL MOVED that the Secretary record a unanimous ballot for Senator W. Stenehjem as President Pro Tem, which motion prevailed.

MOTION

SEN. ST. AUBYN 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. B. Stenehjem and C. Nelson.

President Myrdal then administered the Oath of Office to the President Pro Tem of the Senate, Senator W. Stenehjem.

SEN. W. STENEHJEM: Madam President, members of the Senate. Thank you Bob, Senator O'Connell, and fellow Senators.

I appreciate more than you can know your honoring me by selecting me to serve as President Pro Tem of the North Dakota Senate. I am well aware that this office is one of the highest honors that this body can confer upon a member. And I am mindful of the legacy of those who hold the position.

I asked the Legislative Council to provide me the list of those who have served in this office over the years, and note the names of many prominent North Dakotans, such as Norman Brunsdale, Milton Young, Judson LaMoure, Evan Lips, Elton Ringsak. These were all well-known names in our house as we grew up. Add to that the names of many who now sit in the back row of this chamber: Russ Thane, Duane Mutch, Rollie Redlin, Ray Holmberg, and my immediate predecessor, Dave Nething.

My first year in the Senate, we elected Pete Naaden as President Pro Tem, and I remember thinking at the time: "If only I could ever survive in the Legislature as long as these people, and be honored in such a magnificent way."

The law prescribes three duties for the President Pro Tem: to preside over the Senate in the absence of the Lieutenant Governor, to serve on the nominating committee for the Board of Higher Education, to be fifth in line of succession to the office of Governor.

These are serious matters, and I take them seriously.

I have enormous respect for our duty as the policy setting branch of government. While some may view our discussion and debate during the heat of a legislative session as mere bickering, I know we all appreciate this process as the best method devised by mankind to resolve our differences in a free society and to govern ourselves peacefully. I also have discovered over the years that after all the stress and strain of a legislative session, we leave here with a work product of which we can be proud.

Fellow Senators, if I am called on to preside, I will do so fairly and as capably as I can. Thank you so much for this high honor.

MOTION

SEN. ST. AUBYN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Fifty-fifth Legislative Assembly as adopted on Thursday, December 5, 1996, and amended on Friday, January 10, 1997, and published in the 1997 Senate and House Rules and Committees book, which motion prevailed.

SELECTION OF SENATE DESKS

SECRETARY OF THE SENATE WILLIAM C. PARKER ANNOUNCED that the Senate desks would be selected according to the following Senate Seniority Table:

**SENATE SENIORITY TABLE
(1999 session not included)**

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Mutch, Duane	1959-61-63-65-67-69-71-73- 75-79-81-83-85-87-89-91-93-95-97	19	19
Nething, David E.	1967-69-71-73-75-77-79-81-	16	16

Redlin, Rolland W.	83-85-87-89-91-93-95-97 1959-61-63-73-75-77-79-81- 83-85-87-89-91-93-95-97	16	16
Thane, Russell T.	1971-73-75-77-79-81-83-85- 87-89-91-93-95-97	14	14
Naaden, Pete	1973-75-77-79-81-83-85-87- 89-91-93-95-97	13	13
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97	11	11
Nelson, Gary J.	1977-79-81-83-85-87-89-91-93-95-97	11	11
Tallackson, Harvey D.	1977-79-81-83-85-87-89-91-93-95-97	11	11
Stenehjem, Wayne	(House 1977-79)-81-83-85- 87-89-91-93-95-97	9	11
Freborg, Layton	(House 1973-75-79-81)-85- 87-89-91-93-95-97	7	11
Kelsh, Jerome	1985-87-89-91-93-95-97	7	7
Mathern, Tim	1987-89-91-93-95-97	6	6
O'Connell, David	(House 1983-85-87)-89-91-93-95-97	5	8
Kinnoin, Meyer	1989-91-93-95-97	5	5
Krebsbach, Karen K.	1989-91-93-95-97	5	5
Robinson, Larry J.	1989-91-93-95-97	5	5
Tomac, Steve	(House 1987-89)-91-93-95-97	4	6
Bowman, Bill L.	1991-93-95-97	4	4
Krauter, Aaron	1991-93-95-97	4	4
Lindaas, Elroy N.	1991-93-95-97	4	4
Solberg, Ken	1991-93-95-97	4	4
Traynor, John T.	1991-93-95-97	4	4
DeMers, Judy L.	(House 1983-85-87-89-91)-93-95-97	3	8
Urlacher, Herb	(House 1989-91)-93-95-97	3	5
Andrist, John	1993-95-97	3	3
Grindberg, Tony	1993-95-97	3	3
Sand, Harvey	1993-95-97	3	3
Stenehjem, Bob	1993-95-97	3	3
Nelson, Carolyn	(House 1987-93)-95-97	2	4
St. Aubyn, Rod	(House 1991-93)-95-97	2	4
Wanzek, Terry M.	(House 1993)-95-97	2	3
Christmann, Randel	1995-97	2	2
Heitkamp, Joel C.	1995-97	2	2
Kringstad, Ed	1995-97	2	2
Lee, Judy	1995-97	2	2
Schobinger, Randy A.	1995-97	2	2
Watne, Darlene	1995-97	2	2
Mutzenberger, Marv	(House 1991-93-95)-97	1	4
Thompson, Vern	(House 1989)-97	1	2
Cook, Dwight C.	1997	1	1
Fischer, Tom	1997	1	1
Klein, Jerry	1997	1	1
Wardner, Rich	(House 1991-93-95-97)	0	4
Kilzer, Ralph	(House 1997)	0	1
Kroeplin, Kenneth	(House 1997)	0	1
Bercier, Dennis		0	0
Flakoll, Tim		0	0
Lyson, Stanley W.		0	0
Mathern, Deb		0	0

MOTION

SEN. ST. AUBYN 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. Mutch, Bowman, and D. Mathern.

PROCEDURAL COMMITTEES

SEN. ST. AUBYN MOVED that a committee of seven be appointed to form, along with Majority Leader Sen. G. Nelson, the **Committee on Committees**, which motion prevailed. The President appointed as such committee Sens. Andrist, Freborg, Lee, Nething, T. Mathern, Krauter, and Robinson.

SEN. ST. AUBYN 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. Solberg, Fischer, Cook, Thompson, and Lindaas.

SEN. ST. AUBYN 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. Christmann, Watne, and Kroeplin.

SEN. ST. AUBYN 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, Kringstad, Mutzenberger, and O'Connell.

SEN. ST. AUBYN 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, Wardner, and DeMers.

SEN. ST. AUBYN MOVED that a committee of nine be appointed to act as the **Rules Committee**, which motion prevailed. The President appointed as such committee Sens. St. Aubyn, Holmberg, Kilzer, Klein, Traynor, Krauter, Heitkamp, Redlin, and Tomac.

SEN. ST. AUBYN 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 appointed as such committee Sens. Krebsbach, Urlacher, and C. Nelson.

MOTION

SEN. ST. AUBYN MOVED that the remarks made by Sen. W. Stenehjem be printed in the Journal, which motion prevailed.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate stand adjourned until 9:00 a.m., Wednesday, December 9, 1998, which motion prevailed.

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary