

**Organizational and Orientation Session
December 5, 6, 7, 2000**

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, December 5, 2000

The Senate convened at 9:10 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Maury Millican, Bismarck Community Church, Bismarck.

ROLL CALL

The roll was called manually and there were 49 Senators and Senators elect present.

PRESENT: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

MOTION

SEN. G. NELSON MOVED that a committee of two be appointed to escort Justice Dale V. Sandstrom to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed.

THE PRESIDENT APPOINTED as such committee Sens. Fischer and Tallackson.

REQUEST

SEN. G. NELSON REQUESTED the reading of the Communication from the Secretary of State in reference to Certificates of Election for new members and Senators with two years remaining, which request was granted.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 5, 2000**

According to the provisions of Section 54-03-03 of the North Dakota Century Code, 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."

Section 16.1-15-45 of the North Dakota Century Code provides that Certificates of Election are prepared by the Secretary of State and signed by the Governor, Secretary of State, and a member of the State Canvassing Board. In Section 16.1-15-46, the Secretary of State is instructed to issue "certificates of election to all members of the legislative assembly."

In accordance with the above referenced sections of law, I hereby certify that the attached is a true and correct listing of Senators elected in the General and Special Elections, which were held on November 7, 2000. The results were certified in meetings of the State Canvassing Board held on November 21, 2000, and on December 4, 2000.

A Certificate of Election (copies enclosed) has been issued to each person named on the attached listing.

In addition, in accordance with the provisions of 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 it before a Notary Public and file it with the Secretary of State before they assume the duties of their new position.

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.

**57th Legislative Assembly
Senator Elected - General Election, November 7, 2000**

According to Section 44-01-03 of the North Dakota Century Code, when elected to an un-expired term, a legislator assumes the duties of his or her new position upon receiving their

Certificate of Election. The Certificate of Election for the following Senator was mailed via overnight courier on November 28, 2000.

<u>MEMBER</u>	<u>DISTRICT NUMBER</u>
Duaine C. Espegard	43

**57th Legislative Assembly
Senators Elected - General Election, November 7, 2000**

<u>MEMBER</u>	<u>DISTRICT NUMBER</u>
John M. Andrist	2
Ronald Nichols	4
David Paul O'Connell	6
Layton Freborg	8
Thomas L. Trenbeath	10
Mike Every	12
Jerry Klein	14
Harvey D. Tallackson	16
Linda Christenson	18
Elroy N. Lindaas	20
Gary J. Nelson	22
Larry Robinson	24
Jerome "Jerry" Kelsh	26
Robert S. (Bob) Erbele	28
Bob Stenehjem	30
Dick Dever	32
Dwight Cook	34
Herb Urlacher	36
Ben Tollefson	38
Karen K. Krebsbach	40
Michael Polovitz	42
Tim Flakoll	44
Tom Fischer	46
Dave Nething	48

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 5, 2000**

I hereby certify that the attached is a true and correct listing of Senators whose terms in office do not expire until midnight on November 30, 2002.

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.

**57th Legislative Assembly
Members of the North Dakota Senate
Terms Expiring November 30, 2002**

<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. Traynor	15
Ray Holmberg	17
Duane Mutch	19
Carolyn Nelson	21
Kenneth Kroeplin	23
Russell T. Thane	25
Joel C. Heitkamp	27
Terry M. Wanzek	29
Steven W. Tomac	31
Randel Christmann	33
Aaron Krauter	35
Rich Wardner	37
Bill L. Bowman	39
Tony Grindberg	41
Deb Mathern	45

Ralph Kilzer
Ed Kringstad

47
49

OATH OF OFFICE

Justice Dale V. Sandstrom administered the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

John D. Olsrud, Director of the Legislative Council, explained the contents of the packets distributed to the members of the Senate.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:40 a.m., which motion prevailed.

THE SENATE RECONVENED, with President Myrdal presiding.

MOTION

SEN. KILZER MOVED the nomination of William Horton for the office of Secretary of the Senate, which motion prevailed.

ROLL CALL

The question being on the nomination of William Horton for the office of Secretary of the Senate, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

MOTION

SEN. G. NELSON MOVED that because the voting system was not operational, Senate Rule 206 be suspended and a voice vote be taken for the positions of Desk Reporter and Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. B. STENEHJEM MOVED the nomination of Karen Hoovestol for the position of Desk Reporter, which motion prevailed on a voice vote.

MOTION

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

OATH OF OFFICE

PRESIDENT MYRDAL ADMINISTERED the Oath of Office to the Secretary of the Senate, the Desk Reporter, and the Sergeant-at-Arms.

MOTION

SEN. WATNE MOVED the nomination of Sen. Karen Krebsbach for the office of President Pro Tem.

MOTION

SEN. ROBINSON MOVED the nomination of Sen. Tim Mathern for President Pro Tem.

ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 32 VOTES FOR SEN. KREBSBACH, 17 VOTES FOR SEN. T. MATHERN, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

VOTES FOR SEN. KREBSBACH: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Kringstad; Lee; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

VOTES FOR SEN. T. MATHERN: Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Krebsbach; Kroepflin; Lindaas; Mathern, D.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac

MOTION

SEN. MATHERN MOVED that the Senate cast a unanimous ballot for Senator Krebsbach 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 as such committee Sens. Schobinger and Tollefson.

OATH OF OFFICE

PRESIDENT MYRDAL ADMINISTERED the Oath of Office to President Pro Tem Krebsbach.

REMARKS OF SENATOR KREBSBACH

It is humbling to be before you today accepting this honor. I want to thank Senator Watne for her fine nomination and Senators Tollefson and Schobinger for their escort. It is indeed an honor that I accept your vote of support to serve as the President Pro Tem.

When looking over the duties of this office, the rules book briefly states the duties. They read as follows:

PRESIDENT PRO TEMPORE. In the absence of the President of the Senate, or during refusal of the President to act, the President Pro Tempore shall exercise all rights and prerogatives of the President. While the Legislative Assembly is in session, the President Pro Tempore shall sign all vouchers for payment of money out of the appropriation for the Legislative Assembly.

When I picked up the latest addition of the Mason's Manual of Legislative Procedure, I realized the awesome responsibility that goes with the acceptance of this position.

Being fair to all in this body will be the top priority. Respect to all will be automatic. I have had the privilege of working with most of you throughout the years that I have served. Some of you have been here longer and some of you have been here less years than I. Those of you who are new to this body will soon learn to respect and love the associations and affiliations that you form and the great education that you receive.

When I came to this body, I was the only Republican freshman elected. Things were reversed as far as the majority was concerned, so I served my first two sessions in the minority. So, I do know and understand what it is like to be in that position and capacity.

Words cannot express the emotion within me. It is truly an honor that I will cherish, and I vow to you to do my very best to uphold the excellent tradition and work of this body. My vow also, is to serve with efficiency, proper decorum, and dignity in the manner that this body is accustomed to. With that I thank you, and I will do my very best for you.

MOTION

SEN. CHRISTMANN MOVED that the remarks of President Pro Tem Krebsbach be printed in the Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Fifty-sixth Legislative Assembly as adopted on Thursday, December 10, 1998, and amended on Thursday, February 11, 1999, and published in the 1999 Senate and House Rules and Committees book, which motion prevailed.

SELECTION OF SENATE DESKS

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

**2001
SENATE SENIORITY TABLE**
(2001 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 81-83-85-87-89-91-93-95-97-99	20	20
Nothing, Dave	1967-69-71-73-75-77-79-81- 83-85-87-89-91-93-95-97-99	17	17
Thane, Russell T.	1971-73-75-77-79-81-83-85-	15	15

	87-89-91-93-95-97-99		
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99	12	12
Nelson, Gary J.	1977-79-81-83-85-87-89-91-93-95-97-99	12	12
Tallackson, Harvey	1977-79-81-83-85-87-89-91-93-95-97-99	12	12
Freborg, Layton	(House 1973-75-79-81)-85-87-89-91-93-95-97-99	8	12
Kelsh, Jerome	1985-87-89-91-93-95-97-99	8	8
Mathern, Tim	1987-89-91-93-95-97-99	7	7
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99	6	9
Krebsbach, Karen K.	1989-91-93-95-97-99	6	6
Robinson, Larry J.	1989-91-93-95-97-99	6	6
Tomac, Steven W.	(House 1987-89)-91-93-95-97-99	5	7
Bowman, Bill L.	1991-93-95-97-99	5	5
Krauter, Aaron	1991-93-95-97-99	5	5
Lindaas, Elroy N.	1991-93-95-97-99	5	5
Solberg, Ken	1991-93-95-97-99	5	5
Traynor, John T.	1991-93-95-97-99	5	5
Urlacher, Herb	(House 1989-91)-93-95-97-99	4	6
Andrist, John M.	1993-95-97-99	4	4
Grindberg, Tony	1993-95-97-99	4	4
Stenehjem, Bob	1993-95-97-99	4	4
Nelson, Carolyn	(House 1987-93)-95-97-99	3	5
Wanzek, Terry M.	(House 1993)-95-97-99	3	4
Christmann, Randel	1995-97-99	3	3
Heitkamp, Joel C.	1995-97-99	3	3
Kringstad, Ed	1995-97-99	3	3
Lee, Judy	1995-97-99	3	3
Schobinger, Randy A.	1995-97-99	3	3
Watne, Darlene	1995-97-99	3	3
Cook, Dwight	1997-99	2	2
Fischer, Thomas	1997-99	2	2
Klein, Jerry	1997-99	2	2
Wardner, Rich	(House 1991-93-95-97)-99	1	5
Kilzer, Ralph L.	(House 1997)-99	1	2
Kroepelin, Kenneth	(House 1997)-99	1	2
Bercier, Dennis	1999	1	1
Flakoll, Tim	1999	1	1
Lyson, Stanley W.	1999	1	1
Mathern, Deb	1999	1	1
Tollefson, Ben	(House 1985-87-89-91-93-95-97-99)	0	8
Nichols, Ronald	(House 1991-93-95-97-99)	0	5
Christenson, Linda	(House 1995-97)	0	2
Dever, Dick		0	0
Erbele, Robert S.		0	0
Espgaard, Duaine C.		0	0
Every, Michael A.		0	0
Polovitz, Michael		0	0
Trenbeath, Thomas L.		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, which motion prevailed. The President appointed Sens. Mutch, Andrist, and Nichols.

PROCEDURAL COMMITTEES

SEN. CHRISTMANN 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. Cook, Lee, Grindberg, Nething, Krauter, Heitkamp, and Robinson.

SEN. CHRISTMANN 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. Solberg, Cook, Schobinger, C. Nelson, and Lindaas.

SEN. CHRISTMANN MOVED that a committee of three be appointed to act as a **Committee on Arrangements for Senate Committee Rooms**, which motion prevailed. The President appointed as such committee Sens. Christmann, Kringstad, and Kroeplin.

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as an **Employment Committee**, which motion prevailed. The President appointed as such committee Sens. Stenehjem, Mutch, Cook, O'Connell, and Christenson.

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 appointed as such committee Sens. Watne, Wardner, and Bercier.

SEN. CHRISTMANN 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, Christmann, Klein, Kilzer, Traynor, Heitkamp, T. Mathern, Kelsh, and Tomac.

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 appointed as such committee Sens. Krebsbach, Lyson, and D. Mathern.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Wednesday, December 6, 2000, which motion prevailed.

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

WILLIAM R. HORTON, Secretary