

**Organizational and Orientation Session
December 6, 7, 8, 2010**

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, December 6, 2010

The Senate convened at 1:00 p.m., with President Pro Tempore Klein presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 6, 2010**

In accordance with Section 54-03-03 of the North Dakota Century Code, I certify the attached list is a true and correct record of members of the Senate elected in the General Election held on November 2, 2010.

Each member was issued a Certificate of Election (copies enclosed) after the State Canvassing Board certified the results of the election on November 16, 2010, and November 29, 2010. The Certificates of Election were prepared by the Secretary of State and signed by the Governor, Clerk of the Supreme Court (as member of the State Canvassing Board), and the Secretary of State as prescribed in North Dakota Century Code Sections 16.1-15-45 and 16.1-15-46.

In addition, in accordance with 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 the Oath before a Notary Public and file it with the Secretary of State before he or she assumes the duties of their office.

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.

**62nd Legislative Assembly
Senators Elected - General Election, November 2, 2010**

MEMBER	DISTRICT NUMBER
Stanley W. Lyson	1
Oley Larsen	3
Randy Burckhard	5
Ryan M. Taylor	7
Richard Marcellais	9
Tim Mathern	11
Judy Lee	13
Dave Oehlke	15
Ray Holmberg	17
Gerald (Gerry) Uglen	19
Carolyn Nelson	21
Joan M. Heckaman	23
Larry Luick	25
Spencer Berry	27
Terry M. Wanzek	29
Donald Schaible	31
Randel (Randy) Christmann	33
Margaret Sitte	35
Rich Wardner	37
Bill Bowman	39
Tony Grindberg	41
Lonnie Laffen	43
Ronald Sorvaag	45
Ralph Kilzer	47

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**December 6, 2010**

In accordance with Section 54-03-03 of the North Dakota Century Code, I hereby certify the attached list is a true and correct record of members of the Senate whose terms in office do not expire until midnight on November 30, 2012.

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.

**62nd Legislative Assembly
Members of the North Dakota Senate
Terms expiring November 30, 2012**

SENATOR	DISTRICT NUMBER
John M. Andrist	2
John M. Warner	4
David O'Connell	6
Layton W. Freborg	8
Curtis Olafson	10
Dave Nething	12
Jerry Klein	14
Joe Miller	16
Constance "Connie" Triplett	18
Elroy N. Lindaas	20
Gary A. Lee	22
Larry J. Robinson	24
Jim Dotzenrod	26
Robert S. Erbele	28
Bob Stenehjem	30
Dick Dever	32
Dwight Cook	34
George Nodland	36
David Hogue	38
Karen K. Krebsbach	40
Mac Schneider	42
Tim Flakoll	44
Tom Fischer	46

ROLL CALL

The roll was called and all members were present, except for the vacancy in District 20.

A quorum was declared by the President Pro Tempore.

MOTION

SEN. CHRISTMANN 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 members, which motion prevailed. The President appointed Sens. Nething and Schneider.

OATH OF OFFICE

JUSTICE MARY MUEHLEN MARING ADMINISTERED the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

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

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:20 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tempore Klein presiding.

MOTION

SEN. KILZER MOVED the nomination of Bill Horton for the office of Secretary of the Senate,

which motion prevailed.

MOTION

SEN. DEVER MOVED that nominations cease and that a unanimous ballot be cast for Bill Horton as Secretary of the Senate, which motion prevailed on a voice vote.

MOTION

SEN. OLAFSON MOVED the nomination of Alison Morrell for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. MILLER MOVED that nominations cease and that a unanimous ballot be cast for Alison Morrell for the office of Journal Reporter, which motion prevailed on a voice vote.

MOTION

SEN. FREBORG MOVED the nomination of Jack Eiseman for the office of Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. KLEIN MOVED that nominations cease and that a unanimous ballot be cast for Jack Eiseman as Sergeant-at-Arms, which motion prevailed on a voice vote.

OATH OF OFFICE

PRESIDENT PRO TEMPORE KLEIN ADMINISTERED the Oath of Office to the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms.

MOTION

SEN. COOK MOVED the nomination of Sen. Wardner for the office of President Pro Tem.

REMARKS OF SENATOR DWIGHT COOK

MR. PRESIDENT: It is an honor for me to move the nomination of Senator Rich Wardner for the office of President Pro Tem.

Senator Wardner has served in the Senate since 1999. Prior to that he served in the House of Representatives for eight years. He is a former school teacher and high school coach. All of us who have served in this chamber in the past know what it's like to have the teacher, Senator Wardner, carry a bill on the floor. His thoroughness will not only have a person understanding it, but he will have each person prepared to ace the test, should one be given. He is a senator who demands constant excellence of himself; he will demand the same as our next President Pro Tem.

Mr. President, it is truly an honor to nominate Senator Wardner for the office of President Pro Tem.

MOTION

SEN. MARCELLAIS MOVED the nomination of Sen. Heckaman for the office of President Pro Tem.

REMARKS OF SENATOR RICHARD MARCELLAIS

MR. PRESIDENT: I nominate Senator Joan Heckaman for President Pro Tem of the North Dakota Senate.

Senator Heckaman is serving her third term in the legislature and represents District 23.

Senator Heckaman is married to Dewey Heckaman. They have four children and eight grandchildren. Both Senator Heckaman and her husband are proud of their combined 65 years of teaching in North Dakota. The senator is currently teaching math in the Alternative High School at Fort Totten.

Senator Heckaman is very involved in her community, serving as chairperson of her church board, member of the Eddy County Museum Board, member of the Central Dakota Steam Threshers board, New Rockford book club, Prairie Rose Quilters Guild, Eagles Auxiliary, North Dakota Education Association, and as a volunteer for many community events.

In her two sessions in the legislature, she served on the Human Services and Agriculture committees. Her interim committee assignments include Audit and Fiscal Review, Water

Related Topics, Long Term Care, and Administrative Rules. She was also appointed by Governor Hoeven as the legislative representative on the Autism Task Force.

For these reasons, I ask you to vote for Senator Joan Heckaman for President Pro Tem of the North Dakota Senate.

ROLL CALL

The question being on the nomination for President Pro Tem, the roll was called and there were 35 VOTES FOR SEN. WARDNER, 11 VOTES FOR SEN. HECKAMAN, 0 EXCUSED, 0 ABSENT AND NOT VOTING, 1 VACANCY.

VOTES FOR SEN. WARDNER: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nothing; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek.

VOTES FOR SEN. HECKAMAN: Dotzenrod; Marcellais; Mathern; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Wardner; Warner.

MOTION

SEN. HECKAMAN MOVED that the Senate cast a unanimous ballot for Senator Wardner as President Pro Tem, which motion prevailed on a voice vote.

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 Sens. Cook and Nelson.

OATH OF OFFICE

PRESIDENT PRO TEMPORE KLEIN ADMINISTERED the Oath of Office to President Pro Tempore Wardner.

REMARKS OF PRESIDENT PRO TEMPORE WARDNER

Thank you to the Senate for the honor of representing all of you as President Pro Tem. When I look back at all of the men and women who have served in this institution I feel this is a real honor. The North Dakota Senate belongs to the people of the State of North Dakota and each one of us serves the people.

I have been proud to be a member of this body over the years, because of the integrity, honesty, and hard working ethic of each one of you. To the new members I want you to know that there are not many legislative chambers that are as open and accessible to the people as the North Dakota Senate. The hard working blue collar people are treated with respect as they come to testify on legislation.

I will work hard to represent you in the North Dakota Senate as President Pro Tem. God bless you as you serve the people of this great state.

MOTION

SEN. CHRISTMANN MOVED that the remarks of Sens. Cook, Marcellais, and Wardner be printed in the journal, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Sixty-first Legislative Assembly, as adopted on Monday, December 1, 2008, which motion prevailed.

SELECTION OF SEATS

PRESIDENT PRO TEMPORE KLEIN ANNOUNCED that Senate seats would be selected according to the following Seniority Table:

**2011
SENATE SENIORITY TABLE**
(2011 session not included)

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Nething, Dave	1967-69-71-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09	22	22
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09	17	17
Freborg, Layton W.	(House 1973-75-79-81)-85-87-89-91-93-95-97-99-01-03-05-07-09	13	17
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09	12	12
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03-05-07-09	11	14
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09	11	11
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09	11	11
Bowman, Bill	1991-93-95-97-99-01-03-05-07-09	10	10
Lindaas, Elroy N.	1991-93-95-97-99-01-03-05-07-09	10	10
Andrist, John M.	1993-95-97-99-01-03-05-07-09	9	9
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09	9	9
Grindberg, Tony S.	1993-95-97-99-01-03-05-07-09	9	9
Stenehjem, Bob	1993-95-97-99-01-03-05-07-09	9	9
Nelson, Carolyn	(House 1987-93)-95-97-99-01-03-05-07-09	8	10
Christmann, Randel	1995-97-99-01-03-05-07-09	8	8
Lee, Judy	1995-97-99-01-03-05-07-09	8	8
Cook, Dwight	1997-99-01-03-05-07-09	7	7
Fischer, Tom	1997-99-01-03-05-07-09	7	7
Klein, Jerry	1997-99-01-03-05-07-09	7	7
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09	6	10
Kilzer, Ralph L.	(House 1997)-99-01-03-05-07-09	6	7
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09	6	7
Flakoll, Tim	1999-01-03-05-07-09	6	6
Lyson, Stanley W.	1999-01-03-05-07-09	6	6
Dever, Dick	2001-03-05-07-09	5	5
Erbele, Robert S.	2001-03-05-07-09	5	5
Lee, Gary A.	2003-05-07-09	4	4
Taylor, Ryan M.	2003-05-07-09	4	4
Warner, John M.	(House 1997-99-01-03)-05-07-09	3	7
Triplett, Constance	2005-07-09	3	3

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Heckaman, Joan	2007-09	2	2
Marcellais, Richard	2007-09	2	2
Oehlke, Dave	2007-09	2	2
Olafson, Curtis	2007-09	2	2
Hogue, David	2009	1	1
Miller, Joe	2009	1	1
Nodland, George	2009	1	1
Schneider, Mac	2009	1	1
Uglen, Gerry	(House 2003-05-07-09)	0	4
Sitte, Margaret	(House 2003-05)	0	2
Berry, Spencer		0	0
Burckhard, Randy		0	0
Laffen, Lonnie		0	0
Larsen, Oley		0	0
Luick, Larry		0	0
Schaible, Donald		0	0
Sorvaag, Ronald		0	0

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tempore Klein presiding.

MOTION

SEN. STENEHJEM MOVED that the Senate discontinue the seating plan in progress and commence a new seating process, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that seats 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 be assigned to the Minority party, with the remaining seats in the Senate being assigned to the Majority party, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that a committee of seven be appointed to form, with the Majority Leader, Sen. Stenehjem, the Committee on Committees, which motion prevailed. The President announced the appointment of Sens. Stenehjem, Grindberg, Holmberg, Krebsbach, Lyson, Taylor, Triplett, and Schneider.

MOTION

SEN. CHRISTMANN 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 Sens. Christmann, Oehlke, and Warner.

MOTION

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 announced the appointment of Sens. Andrist, Wardner, and Marcellais.

MOTION

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as the Delayed Bills Committee, which motion prevailed. The President announced the appointment of Sens. Klein, Wanzek, G. Lee, Robinson, and Schneider.

MOTION

SEN. CHRISTMANN MOVED that a committee of five be appointed to act as the Employment Committee, which motion prevailed. The President announced the appointment of Sens. Dever, Flakoll, Kilzer, Heckaman, and Warner.

MOTION

SEN. CHRISTMANN MOVED that a committee of eight be appointed to act as the Rules

Committee, which motion prevailed. The President announced the appointment of Sens. Holmberg, Christmann, Erbele, Fischer, Freborg, Dotzenrod, Schneider, and O'Connell.

MOTION

SEN. CHRISTMANN 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 Sens. Krebsbach, Bowman, and O'Connell.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 7, 2010, which motion prevailed on a voice vote.

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

William R. Horton, Secretary

