

**Organizational and Orientation Session
December 3, 4, 5, 1996**

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, December 3, 1996

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

CERTIFICATION

The lists of newly qualified members and holdover members as certified by the Secretary of State were read by the Secretary of the Senate, William C. Parker, as follows:

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

December 2, 1996

According to the provisions of N.D.C.C. 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 N.D.C.C. 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, N.D.C.C. 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 their Certificate of Election will be forwarded within the next few days. These legislators were certified on November 20, 1996 by the State Canvassing Board as being duly elected to their position in the General Election held on November 5, 1996.

Each legislator certified as being duly elected has been mailed an Oath of Office to be executed by each legislator as required by Article IV, Section 7 and Article XI, Section 4, of the North Dakota Constitution. Once the oath has been executed, legislators have been instructed to file them with this office.

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

<u>LEGISLATOR</u>	<u>DISTRICT NUMBER</u>
John Andrist	2
Meyer Kinnoin	4
David Paul O'Connell	6
Layton Freborg	8
Harvey Sand	10
Vern Thompson	12
Jerry Klein	14
Harvey Tallackson	16
Judy DeMers	18
Elroy Lindaas	20
Gary Nelson	22
Larry Robinson	24
Jerome Kelsh	26
L. L. "Pete" Naaden	28
Bob Stenehjem	30
Marv Mutzenberger	32
Dwight Cook	34
Herbert Urlacher	36
Rolland W. (Rollie) Redlin	38
Karen K. Krebsbach	40
Wayne Stenehjem	42
James "Jim" Berg	44
Tom Fischer	46
David E. Nething	48

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**December 2, 1996**

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

**Fifty-fifth Legislative Assembly
Holdover Senators**

<u>LEGISLATOR</u>	<u>DISTRICT NUMBER</u>
Jim Yockim	1
Randy A. Schobinger	3
Darlene Watne	5
Ken Solberg	7
Les LaFountain	9
Tim Mathern	11
Judy Lee	13
John T. Traynor	15
Ray Holmberg	17
Duane Mutch	19
Carolyn Nelson	21
Dan Wogsland	23
Russell T. Thane	25
Joel Heitkamp	27
Terry M. Wanzek	29
Steven W. Tomac	31
Randel Christmann	33
Aaron Krauter	35
William G. Goetz	37
Bill L. Bowman	39
Tony Grindberg	41
Rod St. Aubyn	43
Donna Nalewaja	45
Evan E. Lips	47
Ed Kringstad	49

ROLL CALL

The roll was called manually by the Secretary of the Senate and there were 48 members present and 1 member absent.

PRESENT: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT: Schobinger

OATH OF OFFICE

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

THE PRESIDENT APPOINTED as such committee, Sens. Lips and Lindaas. Justice Neumann 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., First Presbyterian Church, Bismarck.

DISTRIBUTION OF LEGISLATORS' MATERIAL

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

MOTION

SEN. G. NELSON MOVED that the Senate stand at recess until 10:45 a.m., which motion prevailed.

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

MOTION

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

MOTION

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

MOTION

SEN. GRINDBERG MOVED that nominations cease, which motion prevailed.

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

MOTION

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

MOTION

SEN. GRINDBERG MOVED that nominations cease, which motion prevailed.

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

ELECTION OF THE PRESIDENT PRO TEM

SEN. W. STENEHJEM: Members of the Senate. The Constitution of North Dakota and the statutes of the State of North Dakota require that we in the Senate select one of our members to serve as President Pro Tem of the Senate. It is my honor to place in nomination the name of my friend, Senator Ray Holmberg, for that office. Ray came to the Senate after the election of 1976, which was the year that I was first elected to the House of Representatives, and over the years I have witnessed Senator Holmberg's remarkable skill in service to the people that he represents. Ray is thorough; he always does his homework. New Senators will learn as the rest of us have, that when Senator Holmberg rises to speak he has done the often tedious and always thorough background work, so that he always knows what he is talking about. Because Ray and I both represent parts of the same city, I can tell you that Ray has earned the same kind of reputation back home in Grand Forks - a reputation as an active, concerned and knowledgeable lawmaker. It is a testament to his reputation that in each and every one of his bids for reelection to this Senate, over 20 years, Ray has run without opposition placed on the ballot against him. Today Ray Holmberg is the longest serving Senator in the history of the city of Grand Forks. Madam President, members of the Senate, the office of President Pro Tem is the highest honor that the entire Senate can bestow upon one of its members. The President Pro Tem, among other duties, is responsible for presiding over the Senate in the case of absence of the Lieutenant Governor. The President Pro Tem is fifth in line of succession to the office of Governor. And under Measure 1, which was passed on November 5, 1996, by the voters, the President Pro Tem of the Senate will join the Speaker of the House of Representatives as a member of the commission that makes nominations of members of the Board of Higher Education for the governor's consideration. This is all in addition to service on various other committees. Finally, and perhaps most importantly, during the session, the President Pro Tem signs our expense vouchers. So it is important to have someone who can sign his name - as Ray does - very quickly. Madam President, it is my privilege, my honor, to place in nomination a Senator of great knowledge and enormous wit: My friend, Senator Ray Holmberg.

SEN. KELSH: I would like to place in nomination the name of Senator Jim Yockim. Senator Yockim is in his sixth term and is from Williston and has served on many committees including Appropriations, Human Services, and Natural Resources. Senator Yockim is the foundation director of the Bethel Lutheran Foundation in Williston. He owns a small business and he has two children, Jenna 10, and Ericka 7. I think you all know that Senator Yockim is a very skilled legislator; he is very quick on his feet and is very effective on his feet. Jim was not only my seat mate for the last two or three sessions, but he is also my friend. I would urge your support for Senator Jim Yockim. Thank you.

ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 29 VOTES FOR SEN. HOLMBERG, 19 VOTES FOR SEN. YOCKIM, 1 ABSENT AND NOT VOTING.

VOTES FOR SEN. HOLMBERG: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

VOTES FOR SEN. YOCKIM: Berg; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland

ABSENT: Schobinger

MOTION

SEN. YOCKIM MOVED that the Senate cast a unanimous ballot for Senator Holmberg 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. Nalewaja and Krauter.

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

SEN. HOLMBERG: There were so many kind words said today that, I don't know where to start, except that the presentation by the Senator from District 42 was so effective it caused me to win this election. I should have hired him exactly a month ago to start giving this speech. I also would like to thank very much the Senator from District 1 for his kind words today. I had a great time over Thanksgiving because I got to play with and really get to know my one year old granddaughter. When I came to the Senate, her father, my son, was one year old, so I have grown up and my children have grown up in the Senate. Today I just want to remind you of one thing, that you as members of the Senate of the State of North Dakota were hired by the people of your district to use your judgment to resolve the issues that will come before the Legislature in the Fifty-fifth Assembly. The President Pro Tem is one of many facilitators that are here to help you accomplish that mission. As President I will strive to be fair, yet firm, on the occasions when I preside over the Senate, and when I pass the gavel to my successor next year, I hope that you as Senators will view that transition with a sense of gratitude and not a sigh of relief. Thank you.

MOTION

SEN. GOETZ MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the Fifty-fourth Legislative Assembly as adopted on Thursday, December 8, 1994, and published in the 1995 Senate and House Rules and Committees book, except for Senate Rule 501(5)(f), which motion prevailed.

SELECTION OF SENATE DESKS

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

**SENATE SENIORITY TABLE
(1997 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- 77-79-81-83-85-87-89-91-93-95	18	18
Mutch, Duane	1959-61-63-65-67-69-71-73- 75-79-81-83-85-87-89-91-93-95	18	18
Nething, David E.	1967-69-71-73-75-77-79-81- 83-85-87-89-91-93-95	15	15
Redlin, Rolland W.	1959-61-63-73-75-77-79-81- 83-85-87-89-91-93-95	15	15
Thane, Russell T.	1971-73-75-77-79-81-83-85- 87-89-91-93-95	13	13

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Naaden, Pete	1973-75-77-79-81-83-85-87-89-91-93-95	12	12
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95	10	10
Nelson, Gary J.	1977-79-81-83-85-87-89-91-93-95	10	10
Tallackson, Harvey D.	1977-79-81-83-85-87-89-91-93-95	10	10
Stenehjem, Wayne	(House 1977-79)-81-83-85-87-89-91-93-95	8	10
Wogsland, Dan	1983-85-87-89-91-93-95	7	7
Freborg, Layton	(House 1973-75-79-81)-85-87-89-91-93-95	6	10
Kelsh, Jerome	1985-87-89-91-93-95	6	6
Nalewaja, Donna	(House 1983-85)-87-89-91-93-95	5	7
Mathern, Tim	1987-89-91-93-95	5	5
Yockim, Jim	1987-89-91-93-95	5	5
O'Connell, David	(House 1983-85-87)-89-91-93-95	4	7
Kinnoin, Meyer	1989-91-93-95	4	4
Krebsbach, Karen K.	1989-91-93-95	4	4
Robinson, Larry J.	1989-91-93-95	4	4
Goetz, William G.	(House 1975-81-83-85-87-89)-91-93-95	3	9
Tomac, Steven W.	(House 1987-89)-91-93-95	3	5
Bowman, Bill L.	1991-93-95	3	3
Krauter, Aaron	1991-93-95	3	3
Lindaas, Elroy N.	1991-93-95	3	3
Solberg, Ken	1991-93-95	3	3
Traynor, John T.	1991-93-95	3	3
DeMers, Judy L.	(House 1983-85-87-89-91)-93-95	2	7
Urlacher, Herb	(House 1989-91)-93-95	2	4
Andrist, John	1993-95	2	2
Grindberg, Tony	1993-95	2	2
Sand, Harvey	1993-95	2	2
Stenehjem, Bob	1993-95	2	2
Nelson, Carolyn	(House 1987-93)-95	1	3
St. Aubyn, Rod	(House 1991-93)-95	1	3
Wanzek, Terry M.	(House 1993)-95	1	2
Christmann, Randel	1995	1	1
Heitkamp, Joel	1995	1	1
Kringstad, Ed	1995	1	1
LaFountain, Les	1995	1	1
Lee, Judy	1995	1	1
Schobinger, Randy A.	1995	1	1
Watne, Darlene	1995	1	1
Mutzenberger, Marv	(House 1991-93-95)	0	3
Berg, James	(House 1993)	0	1
Thompson, Vern	(House 1989)	0	1
Cook, Dwight		0	0
Fischer, Tom		0	0
Klein, Jerry		0	0

MOTION

SEN. GOETZ MOVED that a committee of three be appointed to notify the Governor and the House that the Senate is ready and organized to transact business, which motion prevailed. The President appointed as such committee Sens. Mutch, Thane, and Berg.

PROCEDURAL COMMITTEES

SEN. GOETZ 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. Freborg, Nalewaja, Nething, W. Stenehjem, Mathern, Krauter, and Yockim.

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. Solberg, Wanzek, Christmann, Heitkamp, and LaFountain.

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. St. Aubyn, Watne, and Thompson.

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, Kringstad, Kelsh, and O'Connell.

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, Schobinger, and DeMers.

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

SEN. GOETZ 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. B. Stenehjem, Lee, and C. Nelson.

MOTION

SEN. GOETZ MOVED that the Senate stand adjourned until 9:00 a.m., Wednesday, December 4, 1996, which motion prevailed.

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

William C. Parker, Secretary