

**Organizational and Orientation Session
December 2, 3, 4, 2002**

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, December 2, 2002

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Maurice Millican, Bismarck Community Church, Bismarck.

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

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 5, 2002. The results were certified in meetings of the State Canvassing Board held on November 21, 2002.

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 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.

**58th Legislative Assembly
Members of the North Dakota Senate
Elected - Special Election, November 5, 2002**

SENATOR
Gary A. Lee

LEGISLATIVE DISTRICT
22

**58th Legislative Assembly
Members of the North Dakota Senate
Elected - General Election, November 5, 2002**

SENATOR

LEGISLATIVE DISTRICT

Stanley W. Lyson
Randy A. Schobinger
Tom Seymour
Ryan M. Taylor
Dennis Bercier
Tim Mathern
Judy Lee
John T. "Jack" Traynor
Ray Holmberg
Duane Mutch
Carolyn Nelson
Mike Every
Russell T. Thane
Joel C. Heitkamp
Richard (Dick) Brown
April Fairfield

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Aaron Krauter	31
Randel (Randy) Christmann	33
Ed Kringstad	35
Rich Wardner	37
Bill L. Bowman	39
Tony Grindberg	41
Duaine C. Espegard	43
John Syverson	45
Ralph Kilzer	47

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

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, 2004.

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.

**58th Legislative Assembly
Members of the North Dakota Senate
Terms Expiring November 30, 2004**

<u>SENATOR</u>	<u>LEGISLATIVE DISTRICT</u>
John M. Andrist	2
Ronald Nichols	4
David O'Connell	6
Layton Freborg	8
Tom Trenbeath	10
Dave Nething	12
Jerry Klein	14
Harvey Tallackson	16
Linda Christenson	18
Elroy N. Lindaas	20
Larry J. Robinson	24
Robert S. 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
Thomas Fischer	46

ROLL CALL

The roll was called and there were 47 Senators present.

A quorum was declared by the President.

MOTION

SEN. STENEHJEM MOVED that a committee of two be appointed to escort Justice Carol Ronning Kapsner to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed. The President appointed Sens. Traynor and Nelson.

OATH OF OFFICE

JUSTICE CAROL RONNING KAPSNER 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 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, with President Dalrymple presiding.

MOTION

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

MOTION

SEN. DEVER MOVED that nominations cease, that the rules be suspended, and a unanimous ballot cast for William Horton as Secretary of the Senate, which motion prevailed.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to the Secretary of the Senate, William Horton.

MOTION

SEN. KILZER MOVED the nomination of Karen Hoovestol for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. KRINGSTAD MOVED that nominations cease, that the rules be suspended, and a unanimous ballot cast for Karen Hoovestol as Journal Reporter, which motion prevailed.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to the Journal Reporter, Karen Hoovestol.

MOTION

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

MOTION

SEN. KRINGSTAD MOVED that nominations cease, that the rules be suspended, and a unanimous ballot cast for Mel Beckler as Sergeant-at-Arms, which motion prevailed.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to the Sergeant-at-Arms, Mel Beckler.

MOTION

SEN. NETHING MOVED the nomination of Sen. John "Jack" Traynor for the office of President Pro Tem.

MOTION

SEN. HEITKAMP MOVED the nomination of Sen. Aaron Krauter for the office of President Pro Tem.

ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 31 VOTES FOR SEN. TRAYNOR, 16 VOTES FOR SEN. KRAUTER, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

VOTES FOR SEN. TRAYNOR: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

VOTES FOR SEN. KRAUTER: Bercier; Christenson; Every; Fairfield; Heitkamp; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Traynor

MOTION

SEN. KRAUTER MOVED that the Senate cast a unanimous ballot for Senator Traynor 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. Andrist and J. Lee.

OATH OF OFFICE

PRESIDENT DALRYMPLE ADMINISTERED the Oath of Office to President Pro Tem Traynor.

REMARKS OF PRESIDENT PRO TEM TRAYNOR

Mr. President, I accept the office of President Pro Tem. Thank you, Senator Nething; thank you, Senator Krauter; thank all of you Senators. That's it!

MOTION

SEN. HOLMBERG MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the 57th Legislative Assembly as adopted on Thursday, December 7, 2000, and published in the 2001 Senate and House Rules and Committees book, with the following amendment:

SECTION 1. AMENDMENT. Subsection 1 of Senate Rule 501 is amended as follows:

1. The Committee on Committees consists of ~~eight~~ nine members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as its chairman. The Majority Leader shall appoint ~~four~~ five other members from the majority party and three members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees.

The motion prevailed on a voice vote.

SELECTION OF SENATE DESKS

PRESIDENT DALRYMPLE ANNOUNCED that Senate desks would be selected according to the following Seniority Table:

**2003
SENATE SENIORITY TABLE**
(2003 session not included)

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Mutch, Duane	1959-61-63-65-67-69-71-73-75-79-81-83-85-87-89-91-93-95-97-99-01	21	21
Nething, Dave	1967-69-71-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01	18	18
Thane, Russell T.	1971-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01	16	16
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01	13	13
Tallackson, Harvey	1977-79-81-83-85-87-89-91-93-95-97-99-01	13	13
Freborg, Layton	(House 1973-75-79-81)-85-87-89-91-93-95-97-99-01	9	13
Mathern, Tim	1987-89-91-93-95-97-99-01	8	8
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01	7	10
Krebsbach, Karen K.	1989-91-93-95-97-99-01	7	7
Robinson, Larry J.	1989-91-93-95-97-99-01	7	7
Bowman, Bill	1991-93-95-97-99-01	6	6
Krauter, Aaron	1991-93-95-97-99-01	6	6
Lindaas, Elroy N.	1991-93-95-97-99-01	6	6
Traynor, John T.	1991-93-95-97-99-01	6	6
Urlacher, Herb	(House 1989-91)-93-95-97-99-01	5	7
Andrist, John M.	1993-95-97-99-01	5	5
Grindberg, Tony	1993-95-97-99-01	5	5
Stenehjerm, Bob	1993-95-97-99-01	5	5
Nelson, Carolyn	(House 1987-93)-95-97-99-01	4	6
Christmann, Randel	1995-97-99-01	4	4
Heitkamp, Joel C.	1995-97-99-01	4	4
Kringstad, Ed	1995-97-99-01	4	4
Lee, Judy	1995-97-99-01	4	4
Schobinger, Randy A.	1995-97-99-01	4	4
Cook, Dwight	1997-99-01	3	3
Fischer, Thomas	1997-99-01	3	3
Klein, Jerry	1997-99-01	3	3
Wardner, Rich	(House 1991-93-95-97)-99-01	2	6
Kilzer, Ralph L.	(House 1997)-99-01	2	3
Bercier, Dennis	1999-01	2	2
Flakoll, Tim	1999-01	2	2

Lyson, Stanley W.	1999-01	2	2
Tollefson, Ben	(House 1985-87-89-91-93-95-97-99)-01	1	9
Nichols, Ronald	(House 1991-93-95-97-99)-01	1	6
Christenson, Linda	(House 1995-97)-01	1	3
Dever, Dick	2001	1	1
Erbele, Robert S.	2001	1	1
Espegard, Duaine C.	2001	1	1
Every, Michael A.	2001	1	1
Polovitz, Michael	2001	1	1
Trenbeath, Tom	2001	1	1
Fairfield, April	(House 1997-99-01)	0	3
Brown, Richard		0	0
Lee, Gary A.		0	0
Seymour, Tom		0	0
Syverson, John		0	0
Taylor, Ryan M.		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. Erbele, Fischer, and Christenson.

PROCEDURAL COMMITTEES

SEN. CHRISTMANN MOVED that a committee of eight be appointed to form, with the Majority Leader, Sen. Bob Stenehjem, the **Committee on Committees**, which motion prevailed. The President appointed Sens. Schobinger, Holmberg, Lyson, Mutch, Grindberg, O'Connell, Mathern, and Krauter.

SEN. CHRISTMANN MOVED that a committee of five be appointed to form the **Delayed Bills Committee**, which motion prevailed. The President appointed Sens. Cook, Flakoll, Schobinger, Every, and Nichols.

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

SEN. CHRISTMANN MOVED that a committee of five be appointed to form the **Employment Committee**, which motion prevailed. The President appointed Sens. Kringstad, Kilzer, Dever, Nelson, and Fairfield.

SEN. CHRISTMANN MOVED that a committee of three be appointed to form the **Committee on Correction and Revision of the Journal**, which motion prevailed. The President appointed Sens. Espegard, Wardner, and Christenson.

SEN. CHRISTMANN MOVED that a committee of nine be appointed to form the **Rules Committee**, which motion prevailed. The President appointed Sens. Holmberg, Christmann, Klein, Trenbeath, Traynor, Heitkamp, Every, Krauter, and Taylor.

SEN. CHRISTMANN MOVED that a committee of three be appointed to form the **Inaugural Planning Committee**, which motion prevailed. The President appointed Sens. Krebsbach, Lyson, and Polovitz.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 3, 2002, which motion prevailed.

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

WILLIAM R. HORTON, Secretary

