

**Organizational and Orientation Session
December 6, 7, 8, 2004**

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, December 6, 2004

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

The prayer was offered by Father Marv Klemmer, Ascension Church, Bismarck.

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

In accordance with North Dakota Century Code Section 54-03-03, I certify that the attached is a true and correct listing of Senators elected in the General Election, which was held on November 2, 2004, and to whom Certificates of Election were issued after the State Canvassing Board certified the results on November 18, 2004.

The Certificates of Election were prepared by the Secretary of State, and signed by the Governor, Secretary of State, and the Clerk of the Supreme Court 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 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 North Dakota at the Capitol in the City of Bismarck on this date.

**59th Legislative Assembly
Senators Elected - General Election, November 2, 2004**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
John M. Andrist	2
John Warner	4
David Paul O'Connell	6
Layton Freborg	8
Thomas L. Trenbeath	10
Dave Nething	12
Jerry Klein	14
Harvey Tallackson	16
Constance (Connie) Triplett	18
Elroy N. Lindaas	20
Gary A. Lee	22
Larry J. Robinson	24
Joel C. Heitkamp	26
Robert S. Erbele	28
Bob Stenehjem	30
Dick Dever	32
Dwight Cook	34
Herb Urlacher	36
Ben Tollefson	38
Karen K. Krebsbach	40
Nick Hacker	42
Tim Flakoll	44
Tom Fischer	46

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

I certify that the attached is a true and correct listing of Senators whose terms in office do not expire until midnight on November 30, 2006.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of North Dakota at the Capitol in the City of Bismarck on this date.

**59th Legislative Assembly
Members of the North Dakota Senate
Terms expiring November 30, 2006**

<u>SENATOR</u>	<u>DISTRICT NUMBER</u>
Stanley W. Lyson	1
Randy A. Schobinger	3
Tom Seymour	5
Ryan M. Taylor	7
Dennis Bercier	9
Tim Mathern	11
Judy Lee	13
John T. Traynor	15
Ray Holmberg	17
Duane Mutch	19
Carolyn Nelson	21
Michael A. Every	23
Russell T. Thane	25
Richard L. Brown	27
April Fairfield	29
Aaron Krauter	31
Randel Christmann	33
Ed Kringstad	35
Rich Wardner	37
Bill L. Bowman	39
Tony Grindberg	41
Duaine C. Espegard	43
John O. Syverson	45
Ralph Kilzer	47

ROLL CALL

The roll was called and all members were present except Senator Tallackson.

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 Mathern.

OATH OF OFFICE

JUSTICE CAROL RONNING KAPSNER 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 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. KILZER MOVED the nomination of William Horton for the office of Secretary of the Senate, which motion prevailed.

MOTION

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

MOTION

SEN. SYVERSON MOVED that nominations cease, that the rules be suspended, and that a unanimous ballot be 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. G. LEE MOVED that nominations cease, that the rules be suspended, and that a unanimous ballot be 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. ANDRIST MOVED the nomination of Sen. Grindberg for the office of President Pro Tem.

MOTION

SEN. EVERY MOVED the nomination of Sen. Nelson 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 32 VOTES FOR SEN. GRINDBERG, 14 VOTES FOR SEN. NELSON, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

VOTES FOR SEN. NELSON: Bercier; Every; Fairfield; Grindberg; Heitkamp; Krauter; Lindaas; Mathern; O'Connell; Robinson; Seymour; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Tallackson

MOTION

SEN. NELSON MOVED that the Senate cast a unanimous ballot for Sen. Grindberg as President Pro Tem, which motion prevailed.

MOTION

SEN. FREBORG 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. Andrist and Lindaas.

OATH OF OFFICE

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

REMARKS OF PRESIDENT PRO TEM GRINDBERG

Mr. President, Senator Nelson, Senator Andrist, Senator Lindaas, thank you. Thank you for your support, members of the Senate. Your support humbles me. I will give you my full word of honor that I will uphold the integrity of the institution we serve and do the best job that I can. I look forward to serving with you again this session. Thank you.

MOTION

SEN. CHRISTMANN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the 58th Legislative Assembly, as adopted on Wednesday, December 4, 2002, and published in the 2003 Senate and House Rules and Committees book, with the exception of Joint Rule 303, which motion prevailed.

SELECTION OF SENATE DESKS

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

**2005
SENATE SENIORITY TABLE**
(2005 session not included)

<u>Name</u>	<u>Sessions Served</u>	<u>Total Senate Sessions</u>	<u>Total Legislative Sessions</u>
Mutch, Duane	1959-61-63-65-67-69-71-73-75-79-81-83-85-87-89-91-93-95-97-99-01-03	22	22
Nothing, Dave	1967-69-71-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01-03	19	19
Thane, Russell T.	1971-73-75-77-79-81-83-85-87-89-91-93-95-97-99-01-03	17	17
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03	14	14
Tallackson, Harvey	1977-79-81-83-85-87-89-91-93-95-97-99-01-03	14	14
Freborg, Layton W.	(House 1973-75-79-81)-85-87-89-91-93-95-97-99-01-03	10	14
Mathern, Tim	1987-89-91-93-95-97-99-01-03	9	9
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03	8	11
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03	8	8
Robinson, Larry J.	1989-91-93-95-97-99-01-03	8	8
Bowman, Bill L.	1991-93-95-97-99-01-03	7	7
Krauter, Aaron	1991-93-95-97-99-01-03	7	7
Lindaas, Elroy N.	1991-93-95-97-99-01-03	7	7
Traynor, John T.	1991-93-95-97-99-01-03	7	7
Urlacher, Herb	(House 1989-91)-93-95-97-99-01-03	6	8
Andrist, John M.	1993-95-97-99-01-03	6	6
Grindberg, Tony	1993-95-97-99-01-03	6	6
Stenehjem, Bob	1993-95-97-99-01-03	6	6
Nelson, Carolyn	(House 1987-93)-95-97-99-01-03	5	7
Christmann, Randel	1995-97-99-01-03	5	5
Heitkamp, Joel C.	1995-97-99-01-03	5	5
Kringstad, Ed	1995-97-99-01-03	5	5
Lee, Judy	1995-97-99-01-03	5	5
Schobinger, Randy A.	1995-97-99-01-03	5	5
Cook, Dwight	1997-99-01-03	4	4
Fischer, Tom	1997-99-01-03	4	4
Klein, Jerry	1997-99-01-03	4	4
Wardner, Rich	(House 1991-93-95-97)-99-01-03	3	7
Kilzer, Ralph L.	(House 1997)-99-01-03	3	4
Bercier, Dennis	1999-01-03	3	3
Flakoll, Tim	1999-01-03	3	3
Lyson, Stanley W.	1999-01-03	3	3
Tollefson, Ben	(House 1985-87-89-91-93-95-97-99)-01-03	2	10
Dever, Dick	2001-03	2	2
Erbele, Robert S.	2001-03	2	2
Espgaard, Duaine C.	2001-03	2	2
Every, Michael A.	2001-03	2	2
Trenbeath, Thomas L.	2001-03	2	2
Fairfield, April	(House 1997-99-01)-03	1	4
Brown, Richard L.	2003	1	1
Lee, Gary A.	2003	1	1
Seymour, Tom	2003	1	1
Syverson, John O.	2003	1	1
Taylor, Ryan M.	2003	1	1
Warner, John M.	(House 1997-99-01-03)	0	4
Hacker, Nicholas P.		0	0
Triplett, Constance		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, Lyson, and Triplett.

PROCEDURAL COMMITTEES

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

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

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, Kringstad, and Bercier.

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

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 Sens. Espegard, Wardner, and Seymour.

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

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 Sens. Krebsbach, Lyson, and Nelson.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 7, 2004, which motion prevailed.

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

William R. Horton, Secretary

