

Organizational and Orientation Session**JOURNAL OF THE SENATE****Sixty-fifth Legislative Assembly**

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Bismarck, December 5, 2016

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 5, 2016**

As specified in 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 8, 2016.

The State Canvassing Board certified the results of the election on November 18, 2016. As specified in Section 16.1-15-45 of the North Dakota Century Code, Certificates of Election were then prepared by the Secretary of State and signed by the Governor, the Clerk of the Supreme Court (as the designated representative of the State Canvassing Board), and the Secretary of State. Each newly elected member of the Legislative Assembly was then issued their Certificate of Election (copies enclosed), as specified in Section 16.1-15-46 of the North Dakota Century Code.

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.

**65th Legislative Assembly
Senators Elected - General Election, November 8, 2016**

MEMBER	DISTRICT NUMBER
David S. Rust	2
Jordan Kannianen	4
Shawn Vedaa	6
Howard C. Anderson, Jr.	8
Janne Myrdal	10
John Grabinger	12
Jerry Klein	14
David A. Clemens	16
Scott Meyer	18
Arne Osland	20
Gary A. Lee	22

MEMBER	DISTRICT NUMBER
Larry J. Robinson	24
Jim Dotzenrod	26
Robert Erbele	28
Diane Larson	30
Dick Dever	32
Dwight Cook	34
Kelly M. Armstrong	36
David Hogue	38
Karen K. Krebsbach	40
Curt Kreun	42
Merrill Piepkorn	44
Jim P. Roers	46

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER
December 5, 2016

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, 2018.

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.

65th Legislative Assembly
Members of the North Dakota Senate
Terms expiring November 30, 2018

MEMBER	DISTRICT NUMBER
Brad Bekkedahl	1
Oley Larsen	3
Randall A. Burckhard	5
Nicole Poolman	7
Richard Marcellais	9
Tim Mathern	11
Judy Lee	13
Dave Oehlke	15
Ray Holmberg	17
Tom Campbell	19
Carolyn C. Nelson	21
Joan Heckaman	23
Larry Luick	25
Jonathan Casper	27
Terry M. Wanzek	29
Donald Schaible	31
Jessica Unruh	33
Erin Oban	35
Rich Wardner	37

MEMBER	DISTRICT NUMBER
Bill L. Bowman	39
Kyle Davison	41
Lonnie J. Laffen	43
Ronald Sorvaag	45
Ralph Kilzer	47

MOTION

SEN. KLEIN MOVED 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 Senators Hogue and Nelson.

OATH OF OFFICE

JUSTICE CAROL RONNING KAPSNER ADMINISTERED the Oath of Office to the newly elected Senators.

DISTRIBUTION OF LEGISLATORS' MATERIAL

Mr. John Bjornson, Legal Division Director of Legislative Council, explained contents of the packets handed out to the members of the Senate.

MOTION

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

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

MOTION

SEN. KLEIN MOVED the nomination of Shanda Morgan for the office of Secretary of the Senate, which motion prevailed.

MOTION

SEN. KLEIN MOVED that nominations cease and that a unanimous ballot be cast for Shanda Morgan as Secretary of the Senate, which motion prevailed on a voice note.

MOTION

SEN. KLEIN MOVED the nomination of Kassy Brough for the office of Journal Reporter, which motion prevailed.

MOTION

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

MOTION

SEN. KLEIN 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 WRIGLEY ADMINISTERED the Oath of Office to the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms.

MOTION

SEN. HOGUE MOVED the nomination of Senator G. Lee for the office of President Pro Tem, which motion prevailed.

REMARKS OF SENATOR HOGUE

MR. PRESIDENT: I concede my clumsy power of expression cannot convey how proud I am to nominate Senator Gary Lee as the President Pro Tempore of the 65th Legislative

Assembly. Senator Lee has been a mentor and a sounding board to me and I know I am not alone in seeking his counsel and promoting his election to this post.

Senator Lee hails from Casselton. We like to kid Senator Lee by asking him about his lack of ambition to run for governor, inasmuch as he is one of only a handful of people from the Casselton/Arthur area who has neither run for nor been elected to the office of governor. All of the needling is to suggest, in a playful way, that Senator Lee is an underachiever by virtue of the neighbors he keeps. But I want to make clear Mr. President, I served with Senator Lee, Senator Lee is a friend of mine, and Senator Lee is no underachiever Mr. President.

Senator Lee has an extraordinary length and diversity of public service. Mr. President, there are eight members of this distinguished body who were not yet born when Senator Lee went off to Vietnam to serve his country as a medic in a combat unit. Few of us can imagine the hardships that public service imposed on Army Private Gary Lee, but we know there were trials, and we know it was not geographically possible to be any farther away from home or his family, including his wife Joan, the love of his life for more than 44 years.

That service alone qualifies Senator Lee to preside over this Chamber, but there is so much more, and certainly more than this moment permits me to describe. But let me give just a few. Senator Lee has served on several local governing bodies which makes him especially well qualified to serve in the Senate and preside as our president. He's served on the Central Cass school board. He served on the Casselton city council. He's served as a township officer. He's served on the planning and zoning commission in Casselton.

He and Joan have raised two wonderful children and now spend a good deal of time providing love and attention to their five grandchildren.

As important as those credentials are I want to tell you the most important reason that we should elect Senator Lee as President Pro Tempore. It's really more about an ingrained attitude more than a specific achievement. Ever since Senator Lee asked me to nominate him, I've been looking forward to this day and the special, ceremonial moment when, if he is elected, he might accept the gavel from you with his ever present sense of humility and professionalism. Humility and professionalism are Senator's Lee's stock in trade.

That's what I think of when I think about Senator Lee's service in this body. He is the principled conservative that always resists the temptation to be partisan and sticks to an examination of the facts and the policy that makes sense in light of the known facts.

Mr. President, I think Senator Lee has been elevated to a lot of leadership positions because he takes the initiative. He volunteers for most any necessary task, even the unpleasant ones. For example, Mr. President, there is an annual pheasant hunt down in the southwest part of the state known by some as Schaibleville. In Schaibleville, there is a hunt, followed by a ceremonial cleaning of the birds, followed by a steak and walleye dinner. I want to tell you Senator Lee will elbow everyone near him to get to the front of the line to clean those birds. That's initiative.

So there you have it Mr. President. Senator Lee is a man who takes initiative, serves with professionalism and humility, and for these reasons and more I think we should all cast our vote to elect him as President Pro Tempore of the 65th Legislative Assembly.

MOTION

SEN. GRABINGER MOVED the nomination of Senator Oban for the office of President Pro Tem, which motion prevailed.

REMARKS OF SENATOR GRABINGER

MR. PRESIDENT: It is my distinct honor to place into nomination my fellow senator, Erin Oban to be the next Senate Pro Tempore for the North Dakota State Senate. Senator Oban represents District 35 here in Bismarck. She was first elected in 2014 and has served one session, during which time she served as a member of both the Education Committee and the Agriculture Committee. She also was an important member of the interim Education and Judiciary Committees, as well as being a member of the Employee Benefits Committee.

We are all certainly aware of the small numbers we have in our minority caucus, and I can

assure you Mr. President, we have chosen this nominee of ours based on the seniority process. But, make no mistake about it, in my humble opinion, she is a far better candidate than most one term senators. We also recognize that someone in the majority party may have served many, many years before having the opportunity to serve in this prestigious position of President Pro Tempore.

Our nominee has a long background of caring about people and educating children. After graduating from the University of Mary, she began a teaching career at Cathedral Middle School. She has since worked in politics, government and non-profit administration. She serves on the board of directors of Designer Genes, a representative group for families of individuals with Down's Syndrome. She was named as a member of the Bismarck Tribune's "40 under 40" select group and is active in the Good Shepherd Church.

Most importantly though, she and her husband, Chad, just became parents of a beautiful little boy named Evin who will undoubtedly be a future leader for us. Mr. President, Senator Oban is well acquainted with the rules and decorum of this body and will serve us well.

REMARKS OF SENATOR OBAN

MR. PRESIDENT: I must say, I'm completely shocked by the outcome of that election. Even considering my quick rise in seniority, the friendships I've built across the aisle (and watching them take this vote right to my face), and even MY bird-cleaning abilities, I'm shocked. But I am honored by the eight tiny, obligatory cracks that were just put in that highest, hardest glass ceiling.

As one of the eight members of this body that had not yet been born when Sen. Lee's public service turned to military service and took him to Vietnam, I am more than happy to move that the Senate cast a unanimous ballot for Senator Gary Lee as President Pro Tem.

MOTION

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

MOTION

SEN. WARDNER 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. Hogue and Klein.

OATH OF OFFICE

PRESIDENT PRO TEMPORE ERBELE ADMINISTERED the Oath of Office to President Pro Tempore G. Lee.

REMARKS OF PRESIDENT PRO TEMPORE G. LEE

MR. PRESIDENT: Thank you Senator Hogue, Senator Oban, and members of the Senate for your support. It is an honor to be named as your President Pro Tem for this 65th Legislative Session.

Serving alongside committed colleagues from across the State, in this Upper Chamber of the North Dakota Legislative Assembly, has been a rare privilege. Although coming with great responsibility, there is no better theater in State Government.

I will do my best, to uphold the traditions, established sense of decorum and respect for one another, that has been our custom in the Senate.

I look forward to serving as your President Pro Tem.

Thank you!

MOTION

SEN. KLEIN MOVED that the remarks of Sens. Hogue, Grabinger, Oban, and G. Lee be printed in the Journal, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate adopt as temporary rules the Senate and Joint Rules of the 64th Legislative Assembly, as adopted on Wednesday, December 3, 2014, which

motion prevailed.

SELECTION OF SEATS

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

2017 SENATE SENIORITY TABLE (2017 session not included)

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09-11-13-15	20	20
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09-11-13-15	15	15
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15	14	14
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15	14	14
Bowman, Bill L.	1991-93-95-97-99-01-03-05-07-09-11-13-15	13	13
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09-11-13-15	12	12
Nelson, Carolyn C.	(House 1987-93)-95-97-99-01-03-05-07-09-11-13-15	11	13
Lee, Judy	1995-97-99-01-03-05-07-09-11-13-15	11	11
Cook, Dwight	1997-99-01-03-05-07-09-11-13-15	10	10
Klein, Jerry	1997-99-01-03-05-07-09-11-13-15	10	10
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11-13-15	9	13
Kilzer, Ralph	(House 1997)-99-01-03-05-07-09-11-13-15	9	10
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11-13-15	9	10
Dever, Dick	2001-03-05-07-09-11-13-15	8	8
Erbele, Robert	2001-03-05-07-09-11-13-15	8	8
Lee, Gary A.	2003-05-07-09-11-13-15	7	7
Heckaman, Joan	2007-09-11-13-15	5	5
Marcellais, Richard	2007-09-11-13-15	5	5
Oehlke, Dave	2007-09-11-13-15	5	5
Hogue, David	2009-11-13-15	4	4
Burckhard, Randall A.	2011-13-15	3	3
Laffen, Lonnie J.	2011-13-15	3	3
Larsen, Oley	2011-13-15	3	3
Luick, Larry	2011-13-15	3	3
Schaible, Donald	2011-13-15	3	3
Sorvaag, Ronald	2011-13-15	3	3
Anderson, Jr., Howard C.	2013-15	2	2

Armstrong, Kelly M.	2013-15	2	2
Campbell, Tom	2013-15	2	2
Grabinger, John	2013-15	2	2
Poolman, Nicole	2013-15	2	2
Unruh, Jessica	2013-15	2	2
Rust, David S.	(House 2009-11-13)-15	1	4
Bekkedahl, Brad	2015	1	1
Casper, Jonathan	2015	1	1
Davison, Kyle	2015	1	1
Oban, Erin	2015	1	1
Roers, Jim P.	(2012 interim)	0	0
Larson, Diane	(House 1989-13-15)	0	3
Kreun, Curt	(House 2011-13)	0	2
Clemens, David A.		0	0
Kannianen, Jordan		0	0
Meyer, Scott		0	0
Myrdal, Janne		0	0
Osland, Arne		0	0
Piepkorn, Merrill		0	0
Vedaa, Shawn		0	0

MOTION

SEN. KLEIN 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 Pro Tem announced the appointment of Sens. Poolman, Vedaa, and Piepkorn.

MOTION

SEN. KLEIN MOVED that a committee of ten be appointed to form, with the Majority Leader, Senator Wardner, the Committee on Committees, which motion prevailed. The President Pro Tem announced the appointment of Sens. Wardner, Cook, Hogue, Klein, G. Lee, Krebsbach, Dever, Heckaman, Grabinger, and Marcellais.

MOTION

SEN. KLEIN MOVED that a committee of five be appointed to act as the Delayed Bills Committee, which motion prevailed. The President Pro Tem announced the appointment of Sens. Klein, Wanzek, Unruh, Oban, and Marcellais.

MOTION

SEN. KLEIN MOVED that a committee of three be appointed to act as the Committee on Arrangements for Senate Committee Rooms, which motion prevailed. The President Pro Tem announced the appointment of Sens. Hogue, Oehlke, and Nelson.

MOTION

SEN. KLEIN MOVED that a committee of five be appointed to act as the Employment Committee, which motion prevailed. The President Pro Tem announced the appointment of Sens. Dever, Casper, Poolman, Grabinger, and Heckaman.

MOTION

SEN. KLEIN MOVED that a committee of three be appointed to the Committee on Correction and Revision of the Journal, which motion prevailed. The President Pro Tem announced the appointment of Sens. Davison, Anderson, and Piepkorn.

MOTION

SEN. KLEIN MOVED that a committee of ten be appointed to act as the Rules Committee,

which motion prevailed. The President Pro Tem announced the appointment of Sens. Holmberg, Erbele, Armstrong, Hogue, Klein, J. Lee, Casper, Dotzenrod, Robinson, and Mathern.

MOTION

SEN. KLEIN MOVED that the Senate stand adjourned until 9:00 a.m., Tuesday, December 6, 2016, which motion prevailed.

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

Shanda Morgan, Secretary