

**Organizational and Orientation Session**

**JOURNAL OF THE SENATE**

**Sixty-fourth Legislative Assembly**

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**Bismarck, December 1, 2014**

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

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

**ROLL CALL**

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

A quorum was declared by the President.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 1, 2014**

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 4, 2014.

The State Canvassing Board certified the results of the election on November 14, 2014. 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.

**64<sup>th</sup> Legislative Assembly  
Senators Elected - General Election, November 4, 2014**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Brad Bekkedahl	1
Oley Larsen	3
Randy 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 M. Heckaman	23

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Larry Luick	25
Jon Casper	27
Terry M. Wanzek	29
Donald Schaible	31
Jessica Unruh	33
Erin Oban	35
Rich Wardner	37
Bill L. Bowman	39
Kyle Davison	41
Lonnie Laffen	43
Ronald Sorvaag	45
Ralph Kilzer	47

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 1, 2014**

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, 2016.

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.

**64<sup>th</sup> Legislative Assembly  
Members of the North Dakota Senate  
Terms expiring November 30, 2016**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
John M. Warner	4
David O'Connell	6
Howard C. Anderson, Jr.	8
Joe Miller	10
John Grabinger	12
Jerry Klein	14
Tyler Axness	16
Connie Triplett	18
Philip M. Murphy	20
Gary A. Lee	22
Larry J. Robinson	24
Jim Dotzenrod	26
Robert Erbele	28
Ron Carlisle	30
Dick Dever	32
Dwight Cook	34
Kelly M. Armstrong	36
David Hogue	38
Karen K. Krebsbach	40
Mac Schneider	42

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Tim Flakoll	44
George Sinner	46

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 1, 2014**

In accordance with Section 54-03-03 of the North Dakota Century Code, I certify that I issued a Certificate of Appointment (copy enclosed) to the following individual as a member of the Senate, effective December 1, 2014, as provided for in Section 16.1-13-10 of the North Dakota Century Code. The term will expire at midnight on November 30, 2016.

David S Rust  
State Senator  
Legislative District No. 2

In addition, in accordance with Section 4, Article XI, of the North Dakota Constitution, an Oath of Office (or affirmation) form was provided to him, with instructions to execute it before a Notary Public and file it with the Secretary of State before he assumes the duties of his office. The Oath was received and filed on November 12, 2014.

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.

**MOTION**

**SEN. KLEIN MOVED** a committee of two be appointed to escort Justice Daniel J. Crothers 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 DANIEL J. CROTHERS ADMINISTERED** the Oath of Office to the newly elected Senators.

**DISTRIBUTION OF LEGISLATORS' MATERIAL**

Mr. John Walstad, Legal Division Director of Legislative Council, explained the 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 Jane Schaible 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 Jane Schaible as Secretary of the Senate, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** the nomination of Shanda Morgan for the office of Journal Reporter, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that nominations cease and that a unanimous ballot be cast for Shanda Morgan 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. FLAKOLL MOVED** the nomination of Senator Dever for the office of President Pro Tem, which motion prevailed.

**REMARKS OF SENATOR TIM FLAKOLL**

**MR. PRESIDENT:** I am pleased and honored to nominate our friend, Senator Dick Dever, for President Pro Tempore of the Senate.

Senator Dever was first elected to the Senate in 2000 and has served with distinction for more than 14 years now. In addition to the Senate, Senator Dever has been involved in his community his entire life, including: Farwest Rotary Club, Board of Volunteer Caregiver's Exchange, Council of State Governments' BILLD Fellow, ND NFIB - 2004 ND Small Business Champion of the Year, Life Member of the VFW and AmVets, Bis-Man Chamber, 2007 Legislator of the Year, Mental Health America, Advisory Board of the Bismarck Transition Center, Elder at the Shepherd of the Valley Lutheran Church. Senator Dever has also served our nation in the US Army.

It has been a great honor to have known and worked closely with Senator Dever. He is honest, moral, humble, loyal, encouraging, and inspiring. He is always the quintessential gentleman in every sense of the word. Those new members to this august body will learn early on that Senator Dever also gives some of the best floor speeches you will ever hear.

In the Senate, Senator Dever chairs the Government and Veterans Affairs Committee and the Employment Committee. This past interim he also chaired the Employee Benefits Committee.

Other standing committees he has served on include the Human Services and Political Subdivisions Committees. His life's work in public service has left an indelible mark, not just on our state. His election today is one way to appropriately recognize those efforts.

Senator Dever and his wife Pam have three children and eight grandchildren.

Senator Dever will make the ideal President Pro Tempore. His experience as chairman will serve him well and he has a well-deserved reputation for being fair and firm in his role when he presides. I know that when he presides he will make sure that the decorum and focus on issues will be preserved. I am confident he will ensure that the spirit of the Senate will be maintained during his tenure.

Therefore, it is my honor to nominate a great Senate leader, Senator Dick Dever, to the position of President Pro Tempore of the North Dakota Senate.

**MOTION**

**SEN. TRIPLETT MOVED** the nomination of Senator Grabinger for the office of President Pro Tem, which motion prevailed.

**REMARKS OF SENATOR CONNIE TRIPLETT**

**MR. PRESIDENT:** I hereby place into nomination for president pro tempore of the North Dakota Senate the name of John Grabinger. Senator Grabinger represents District 12. He was first elected to the Senate in 2012 and has served one term, during which he was a member of the Judiciary Committee and the Political Subdivisions Committee. During the recent interim, he served on the Commission on Alternatives to Incarceration.

There are some days on which it is a disadvantage to be a member of the minority party, Mr. President, including all of those days on which we vote on substantive issues. But this is not one of those days. Given the small size of my caucus and the fact that we use seniority as the selection process for our nominee, it is possible to serve one term and be next-in-line for nomination to this prestigious post, while members of the majority caucus may have to serve

for decades before being nominated.

For the purists among us, I will acknowledge that Senator Grabinger came into the Senate in a class that includes Senator Axness and Senator Sinner. Technically, Senator Axness edges out my nominee by virtue of the alphabet, but since both Senator Axness and Senator Sinner tried to leave this august body during the recent election process, our very wise Chief of Staff suggested we nominate Senator Grabinger in recognition of his commitment to stay among us.

Despite his brief tenure in the Senate, Senator Grabinger is well-qualified to serve as president pro tem. He arrived with a wealth of civic experience in his hometown of Jamestown, including service on school board, church board, and the Jamestown City Council. He is the owner of a business known as Grabinger Marine. He has spent much of his career working to keep the family business afloat. (Pun courtesy of Senator Murphy.) Senator Grabinger's participation as an engaged citizen in the legislative process goes back more than 20 years. He understands the legislative process intimately.

Mr. President, I am very pleased to nominate Senator John Grabinger for the office of president pro tempore.

#### **MOTION**

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

#### **MOTION**

**SEN. KLEIN 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. Flakoll and Marcellais.

#### **OATH OF OFFICE**

**PRESIDENT WRIGLEY ADMINISTERED** the Oath of Office to President Pro Tempore Dever.

#### **REMARKS OF PRESIDENT PRO TEMPORE DEVER**

Thank you! Thank you! Thank you!

Thank you to the people of District 32 for allowing me the privilege of occupying the seat in this chamber that is owned by "We the People" of District 32.

Thank you to Senator Flakoll and Senator Grabinger for those very kind comments that could just as appropriately have been said about each of you.

Thank you to all of you, my friends and colleagues, for entrusting me with the honor of this responsibility.

There is nothing more important to me in this world than my family. Thank you to my wife, Pam, for being my partner in life and my partner in public service.

Thank you to Pam, and to our three children, Justin, Adam, and Heather, for being my best friends and most loyal supporters. When you're a candidate, everybody is your friend. When you lose an election, you find out who your friends really are. Each of the three times I tested that theory, their love and support only grew stronger.

Thank you to our three children and their spouses for the pure joy that comes with having 10 grandchildren – Lily and Reagan, Daisy and Reese, Olivia and David, Sylvia and Daniel, and Cameron and Julia.

Thank you to those 10 grandchildren for putting purpose in my life. As we conduct the business of the state it is often their future that is in my thoughts.

This is a very special place. During the session, it is a real beehive of activity. During the interim, it becomes a place of solitude. It is then that I like to come into the chamber and take a seat behind the rail. I look at the names on the board and I look around at the seats in the chamber. I think of each of you. I think of your families. I think of the communities that you serve. I think of the work that you do.

I have the privilege of serving with farmers and ranchers, and Doctors and Lawyers, and teachers and small businesspeople, and people from all walks of life. We come together in this place to form the policymaking branch of our government.

Winston Churchill once said of Democracy that "it is the worst form of government in the world; except for all the rest." It is clumsy. It is awkward. It is government by committee. It depends for its success on the dedication and the commitment of those who participate in it. Here in North Dakota, it is a success.

As I sit in that chair, I think also of those who came before us. I imagine their voices as they dealt with the issues of their day. I think also of those yet to come and the issues they may deal with.

Several years ago, I heard a former legislator comment that on his departure from the legislature he learned that the retirement of a legislator has about the same impact as pulling your finger from a bucket of water.

Success in the Legislature is a matter of relationships. Individuals make contributions, but it is in coming together that we accomplish great things for the people of North Dakota.

We can take comfort knowing that, God willing, in the generations of our grandchildren, and of theirs, that others will come to occupy these seats with the same dedication and commitment that you and I share.

When I speak to groups about the legislative process, I sometimes like to say this, "It may come as a surprise to you, but, I have opinions. When you think about it, you realize that I am elected to have opinions. So are the other 140 legislators. If I don't accept that sometimes their opinions are different than mine, I would get eaten alive."

You know that when I sit in that seat over there, I will express my opinions. You can expect that when I occupy the seat up here, I will do my very best to allow you the opportunity to express yours.

It is with that respect for you, for the people we serve, and for this legislative process, that I so very gratefully and with all humility, accept the honor of the responsibility of serving as your President Pro Tem.

Thank you very much!

#### MOTION

**SEN. KLEIN MOVED** that the remarks of Sens. Flakoll, Triplett, and Dever 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 63rd Legislative Assembly, as adopted on Wednesday, December 5, 2012, which motion prevailed.

#### SELECTION OF SEATS

**PRESIDENT WRIGLEY ANNOUNCED** that the Senate seats would be selected according to the following Seniority Table:

**2015  
SENATE SENIORITY TABLE**  
(2015 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	19	19
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05- 07-09-11-13	14	14

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03-05-07-09-11-13	13	16
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11-13	13	13
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09-11-13	13	13
Bowman, Bill L.	1991-93-95-97-99-01-03-05-07-09-11-13	12	12
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09-11-13	11	11
Nelson, Carolyn C.	(House 1987-93)-95-97-99-01-03-05-07-09-11-13	10	12
Lee, Judy	1995-97-99-01-03-05-07-09-11-13	10	10
Cook, Dwight	1997-99-01-03-05-07-09-11-13	9	9
Klein, Jerry	1997-99-01-03-05-07-09-11-13	9	9
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11-13	8	12
Kilzer, Ralph	(House 1997)-99-01-03-05-07-09-11-13	8	9
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11-13	8	9
Flakoll, Tim	1999-01-03-05-07-09-11-13	8	8
Dever, Dick	2001-03-05-07-09-11-13	7	7
Erbele, Robert	2001-03-05-07-09-11-13	7	7
Lee, Gary A.	2003-05-07-09-11-13	6	6
Warner, John M.	(House 1997-99-01-03)-05-07-09-11-13	5	9
Triplett, Connie	2005-07-09-11-13	5	5
Heckaman, Joan	2007-09-11-13	4	4
Marcellais, Richard	2007-09-11-13	4	4
Oehlke, Dave	2007-09-11-13	4	4
Hogue, David	2009-11-13	3	3
Miller, Joe	2009-11-13	3	3
Schneider, Mac	2009-11-13	3	3
Burckhard, Randall A.	2011-13	2	2
Laffen, Lonnie J.	2011-13	2	2
Larsen, Oley	2011-13	2	2
Luick, Larry	2011-13	2	2
Murphy, Philip M.	2011-13	2	2
Schaible, Donald	2011-13	2	2
Sorvaag, Ronald	2011-13	2	2
Carlisle, Ron	(House 1991-93-95-97-99-01-03-05-07)-13	1	10
Anderson, Jr., Howard C.	2013	1	1
Armstrong, Kelly M.	2013	1	1

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Axness, Tyler	2013	1	1
Campbell, Tom	2013	1	1
Grabinger, John	2013	1	1
Poolman, Nicole	2013	1	1
Sinner, George	2013	1	1
Unruh, Jessica	2013	1	1
Rust, David S.	(House 2009-11-13)	0	3
Bekkedahl, Brad		0	0
Casper, Jonathan		0	0
Davison, Kyle R.		0	0
Oban, Erin		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 announced the appointment of Sens. Unruh, Laffen, and Oban.

**MOTION**

**SEN. KLEIN MOVED** that a committee of seven be appointed to form, with the Majority Leader, Senator Wardner, the Committee on Committees, which motion prevailed. The President announced the appointment of Sens. Wardner, Hogue, Klein, Cook, Flakoll, Schneider, Heckaman, and Murphy.

**MOTION**

**SEN. KLEIN 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, G. Lee, Wanzek, Warner, and Mathern.

**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 announced the appointment of Sens. Hogue, Oehlke, and O'Connell.

**MOTION**

**SEN. KLEIN 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, Schneider, and Axness.

**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 announced the appointment of Sens. Poolman, Anderson, and Sinner.

**MOTION**

**SEN. KLEIN 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, Klein, Erbele, Hogue, Armstrong, Dotzenrod, Triplett, and Robinson.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand adjourned until 9:00 a.m., Tuesday, December 2, 2014, which motion prevailed on a voice vote.