

JOURNAL OF THE SENATE**Sixty-fourth Legislative Assembly**

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Bismarck, April 29, 2015

The Senate convened at 10:00 a.m., with President Wrigley presiding.

The prayer was offered by Senator Robinson, District 24.

The roll was called and all members were present except Senators Anderson, Nelson, and Warner.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2022 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2022: Sens. Krebsbach, Dever, Heckaman.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2003, SB 2016, SB 2206, SCR 4003.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2014, SB 2020, SB 2031, SB 2039.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2003, SB 2014, SB 2016, SB 2020, SB 2031, SB 2039, SB 2206, SCR 4003.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1014, HB 1020.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 29, 2015: SB 2013, SB 2018.

MOTION

SEN. KLEIN MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn, and that upon completion of that task, the committee be discharged, which motion prevailed.

PRESIDENT WRIGLEY APPOINTED as such committee: Sens. Oehlke, Poolman, and Axness.

MOTION

SEN. KLEIN MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn, and that upon completion of that task, the committee be discharged, which motion prevailed.

PRESIDENT WRIGLEY APPOINTED as such committee: Sens. Burckhard, Luick, and Oban.

REMARKS OF MAJORITY LEADER WARDNER

Mr. President and Members of the Senate:

It's truly been an honor for me to be the leader during this session, and I say that with respect to both the minority and the majority parties. In all the years that I've been associated with the legislature, which has been several since 1991 was my first session in the House, I have never seen a group of people work together and the chemistry as good as this particular body.

Now we worked hard, and I think we got a lot of things done. Remember, Mr. President and Senate, that we came into a session thinking that we were going to have more revenue to work with than we did. Right in the middle as we were getting going in January, we had to make some decisions, and we had to downsize our forecast. Granted, it was a joint decision by both House and Senate that we do that. Because we did that, we were able to do a good job of appropriating, and I think we met our priorities.

Did we get everything done like we wanted to? The answer is no. There are some challenges out there which we've heard time and again on this floor, that we have some things that we need to get done. As we look forward to next session, Mr. President, they have got to be high on the priority list.

A couple of things I want to mention in which were things that we passed in this body that were supported by everyone here. The surge funding for out west that also put money into the counties—from being and representing a district from out west, thank you to the Senate and the House, but thank you to the Senate for supporting that. It was much needed, and I want to tell you that those people out there are grateful, they are grateful for what we've done. Then we came along and had the formula bill, and we were able to do some things there with another bill. We call it the bucket bill, that we allowed thirty percent of the SIIF money to go back into the formula. It will help the oil country get back on its feet. Thank you.

As we look across the state, I think we did a good job in getting water resources allotted across the state. It's not only about the west, it's about the east. We're one. There are times that we are challenged. You want to fall into your provincialism—whether it be in the west or the east—and start talking that way, but we can't allow that to happen. We've got to remember it's the state of North Dakota, that we're here for the people of this state. That's why we're here, not for ourselves but for the people. So Mr. President, with that, I think we did a good job in education. We did a good job in some other areas, and I am not going to go into them all.

I do want to point out that we do have some challenges, corrections, in the way we deal with our prison population and the way we deal with mental illness and chemical addiction. I agree with some in this body who have gotten up on the floor and were very passionate about these issues. The work begins now for next session. They're not just people we can ignore. We can't ignore them. They're in our prisons. We have to build more prisons to put them in. We have got to find an alternative to what we're doing. We have got to do a better job.

So I'm hoping that during this interim we can get a program going to deal with some of these issues. The bottom line, Mr. President and members of the Senate, it is costing us money. We are going to spend some money to save some money, a lot of money. I'm thankful for you that got up on the floor and were passionate about these, even though we were unable to get it done this time because the resources weren't there. As one of you said, "I'm tired of fixing potholes, we need to be fixing people." I don't disagree, but you also have to remember that in this it's the process. We go through the process, and we need to get better prepared.

I also want to say that the minority and the majority didn't agree on everything. The oil tax

was an example, but Mr. President—policy—everybody was given an opportunity to tell us how they felt. Everybody had the ability to give their opinion. That's what's important. So I stand by that. I would hope that as we move forward that we protect, each and every one of you, the integrity of this body, the integrity. I want you to leave here today standing for the good things that we did. You can be critical of the things we didn't get done, but we want it to be in a way that its progressive, that we're going to take care of it in the future.

So Mr. President, wrapping this up, I have the utmost respect for each and every one of you. You did a great job. You all did a great job, and I thank you. I want to thank you, Mr. President. I want to thank the front desk—outstanding job. Again I have to thank our Sergeant-at-Arms, our clerks. Who do you think was under the pressure last night?—the clerks. They're probably still down there writing up minutes. God bless the clerks, they made us look good. Our pages did a great job.

Mr. President, I want to thank the Assistant Majority Leader who does a great job for us, our Caucus Leader, and also I want to thank the Minority Leader and his leadership staff in always being positive, being able to work together. I know we're ending on an issue that we didn't get resolved, but Mr. President and members of the Senate, this was a great session.

Thank you.

REMARKS OF MINORITY LEADER SCHNEIDER

Mr. President:

Like my friend the Majority Leader, I am very thankful. I'm thankful to the people of District 42 for giving me this honor of representing them in this body, thankful for the members of my caucus, and thankful for my friends in the majority. Let's just start with, while we are giving thanks, Mr. President, let's start with the person who literally rises above it all. Mr. President, that would be you. I get the pleasure of coming into the Senate everyday, calling you Mr. President, but some of our newer members may not realize nine years ago at this time, I was getting ready to call you boss. The first job that I ever had in the legal profession was as an extern in the US Attorney's Office, and I will never forget the kindness and the mentorship that now Mr. President showed me back when I was a lowly first year law student. I will never forget it. I can see him reaching for the gavel. I might get a warning here, so I will move on.

I also want to thank the desk force. I echo the Majority Leader's comments entirely. You guys are the unsung heroes of the North Dakota Senate. We absolutely and literally could not do our jobs without you, so thank you for your professionalism and the jaunty attitude that you bring to this job every day that you're in here. Thank you very much.

I want to thank our caucus staff, the best caucus staff that I have seen in my brief four sessions here—such great chemistry. Having those individuals in our office, it's really like having another four or five senators—just so thankful for their work and their commitment, not just to the caucus but to the Senate as a whole and beyond that to the people of North Dakota.

Of course I want to thank my family, Mr. President—my wife, Crystal, who has taken time away from her professional life to be out here with me in Bismarck. I also want to thank the little ruddy cheeked intern that we have running around her. Her name's Merritt. I'm sure she's gotten in your way, probably given you a hug if you had the chance to meet her. It is, in this somewhat and sometimes contentious line of work, Mr. President, nice to come home and see two smiling faces greeting you. So I'm very thankful for that as well.

Next, turn to my family here in the chamber starting with our Caucus Leader, Senator—I can't say his name—our Caucus Leader, Mr. President. You know who I'm talking about. He should be put in the “pun-itiary” for the way that he delivers floor speeches sometimes. I have often said this, that he's sort of the Bono of our caucus. He can get people from disparate viewpoints together and advance an issue on a bipartisan basis just through the sheer force of his Irish charm. I'm thankful for his friendship and the good work that he has done here in the Senate.

Turning more immediately to my right, Mr. President, the person who puts “leader” into the Assistant Leader position, my good friend. She is just absolutely unflappable, wisdom beyond her years, and someone who has been a mentor to me and bruised my arm on

numerous occasions tapping me, making me do my job even better. I can't think of anyone I would rather go through this experience with other than the Senator to my right. So thank her for her service as well.

I also want to thank the members of the majority. I hope that if we pushed, you understand why. We think that competition is good faith competition. Above the belt, that's the best assurance of good government that the people of North Dakota are going to get. So if we pushed too hard, we hope you'll forgive us. If you cursed us under your breath, you are forgiven, Mr. President.

I do want to just briefly tell a story that I think illustrates the way we do business here in the Senate. We had a very contentious debate last week. I think we'd all agree on that. During one of our recesses, I saw my friend from District 33 eating some gummy bears. I like gummy bears, Mr. President—I have a two year old—and I eat them all the time, sometimes out of the nooks and crannies of the carseat, but nevermind that. The point is, during the midst of this highly acrimonious debate, the Senator from District 33 took the time to give me some gummy bears so I could replenish myself during the middle of that floor fight. The same could be said about my friend from District 43 who took time out of his day to take our caucus picture, and he said he shrunk it so we all looked thinner. So it's almost like the way we looked before the session, Mr. President. So I'm very thankful for all the friendships amongst the majority as well.

Turning now to the Majority Leader, my good friend, someone whom I have the utmost respect for and find the distinct pleasure in working with everyday. We've had a lot of conversations over the course of the session, Mr. President, that start out "Just so you know" The Majority Leader tells me "Just so you know" Well just so he knows, I have learned a lot about leadership from the way that he leads his caucus, and I'm thankful for his friendship.

Finally, turning to my friends in the minority caucus, I could not be prouder. I wouldn't trade our fifteen for any fifteen in the capitol. You have values that are worth fighting for, and you fight for them everyday. So my cup runneth over.

Before I conclude for the day, Mr. President, I do want to get back to the topic that the Majority Leader did key in on, and I think it needs to be recognized. We are leaving some unfinished business today. I want to give you what I hope will be my reasonable view on why that is. A small group of individuals in another legislative chamber is really trying to force upon this chamber legislation that was rejected by the Senate unanimously, 46 to nothing, 46 red lights. Instead of accepting that bicameral passage of judgment, that group has used a legislative procedure to really put in place a Hobson's choice for all of the members of this body, Republican and Democrat. That Hobson's choice is, make the policy decision that those individuals want, that we unanimously rejected, and in so doing threaten litigation and the disruption of health insurance benefits for tens of thousands of state employees or leave a state entity unfunded for two years.

Mr. President, some may see today's dispute, not within this body but between the chambers, as procedural inside baseball. I think it goes squarely to the kind of government that the people of North Dakota deserve. I do not believe it's in the people's best interest for the Senate to accept tactics which essentially extort out of us a decision that we unanimously were opposed to.

So ultimately this is really about people's lives. This is about the hard working people in the PERS office, in the RIO office, who are complete noncombatants in this system—want nothing more than the ability to go about doing their jobs professionally. It's also about the state employees who count on the health insurance benefits that they get through their employment to access basic health care.

So Mr. President, I appreciate all of the work that the Majority Leader and members of this body, majority and minority, have done to work in good faith to resolve that dispute. I am proud of the way that we have tried to talk this out. I hope the cooler heads will prevail. I recognize this is sine die, but I hope sine die isn't Latin for "we're all done." So I hope to be back here to take care of some of that unfinished business. In the meantime, drive safe, it's been an honor, keep up the good work that all of you do.

REMARKS OF PRESIDENT WRIGLEY

Very briefly, I would also like to address the assembly. I also want to thank the same people, and I'll go through the list too because we need to thank all of you so much. I want to thank the desk staff: I want to thank the real power that be here in the State Senate, Joe Wolf—all of you, yes—Madam Secretary, and everyone here at the desk and all the folks working for the Senate: staff, and the members of the staff in the minority office, the majority office. It's a pleasure to work with all of you—and that's where the best gummi bear supply is, Senator Schneider. It's in the majority office, but I found it. If you're looking for chocolate, maybe the minority office is the place to go throughout the session. Thanks to all of you.

I mentioned a week or so ago that somewhere a little over 3,000 people have had the privilege of serving the state in the legislature since statehood. Isn't that something: 3,000 people . . . a little bit plus? I'm not sure how many Presidents of the Senate they've had—that's a lot like Lieutenant Governors, very quickly forgotten . . . move along—but like you I have thought of this as a great privilege. This is my third session, and I just can't tell you what a privilege it has been to serve with all of you and, by the way, to have the opportunity to come in here week after week and learn about the exploits of the high school students in Minot . . . I just . . . God bless them.

As I look back on the session—I think I would have said this after the first two that I was a participant in also, but also to look at this session, that—debate matters and how much it matters. It matters very much.

I recall the time Senator Campbell asked—there was a motion for reconsideration. I wouldn't go through all the machinations of it, but it was brought back for reconsideration. I ruled erroneously that it was not a debatable motion, and we took the vote. Senator Campbell's effort to bring back that bill failed miserably, but he did a good job. I reread the rule, and I realized that no, it was debatable. So anyway you were kind enough to let us suspend the rules and go back in time and have that debate. I told Senator Campbell afterward—and then he got a new vote. It again failed, but he got two more votes. We can joke about it a little bit, but—it matters a lot.

What you all say and do here, that is the essence of your work. You bring your experiences in life, the research that you've done, the passion that you feel so strongly for our state, and it really is a privilege to watch you. I've said many times, and people who've come in here and watched you have said many times, "You're respectful, you're smart, you bring experience, you don't repeat each other for the fun of it." This is a deliberative body that has great respect for each other across the aisle, and you know, sometimes it's even tougher inside the aisle—right?; but I tell you what, that's to be respected.

Another example of that—and these are just examples, but you know—in a contentious debate, an important one for the state a couple weeks ago, two Senators not known for being wallflowers, Senator Triplett and Senator Cook—it was a point of contention and actually a pretty important matter within that debate—characterizing something that had happened at a hearing—they had both been to that hearing. They had both characterized what had happened there, and they characterized it differently. Neither of them ever pointed a finger at the other person and said that person is anything but honest. They didn't say that person just lied to the Senate, they misrepresented anything to the Senate. They both were very careful to say that it was being remembered differently, and I didn't feel like any of that was patronizing of each other. I'm going to remember that for a long time. That's pretty impressive. It was a matter that matters to the state. That's respect for each other, that's respect for all of your colleagues here. I for one, I really admire that very, very much. Senator Triplett has walked out on me in a debate, she has called me Mr. Triplett, and she's a great friend. To both of you as representatives before this body, I just want to congratulate and thank you for that as well.

My son Patrick likes to say, if I'm complaining about politics or if I'm saying something I did was so great—less often Shanda, yep, that's less often—he likes to point out—he said, "Dad, it's politics, and you always say it can be over at anytime," and that's true. For some reason today, I was thinking about the fact that life is a lot like that too. My first session here, within months of leaving and the gavel coming down, two of our members had passed away, two great men. So it's all kind of fragile. I think we should take nothing for granted, including our time here, including our lives on this earth and that it matters. I say with all humility, I sincerely thank you for letting me be part of it.

So may God bless, continue to bless, the great state of North Dakota, continue to bless all of her people, and continue to bless this great Senate. You're a continuation of a long line of people who've come here, and a long line of people are going to come after every one of us has left. Some day, Senator Larson, you're all going to be relegated to a historical fact, and they'll say, "Forty years ago this week in the State Senate . . . " or "One hundred years ago this week in the State Senate . . . ", and it'll matter. It'll matter that you served. It'll matter how you served: the work you that you put in and the privilege that we all really have to work on behalf of the state that we call home, that we get to have our lives in, our careers in, our jobs, and raise our families in, the greatest state in the finest nation on the face of the earth.

Thank you very much.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Wardner, Sen. Schneider, and President Wrigley be printed in the Senate Journal, which motion prevailed.

MOTION

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

MOTION

SEN. WARDNER MOVED that the Senate be on the Fourth, Fifteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned sine die, and reconvene pursuant to sections 54-03-02 and 54-35-16 at a date determined by the Legislative Management to continue the work of the Sixty-Fourth Legislative Assembly.

Pursuant to Senator Wardner's motion, the Senate stood adjourned sine die.

Jane Schaible, Secretary