

**Organizational and Orientation Session**

**JOURNAL OF THE SENATE**

**Sixty-sixth Legislative Assembly**

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**Bismarck, December 3, 2018**

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

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

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

A quorum was declared by the President.

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**

**December 3, 2018**

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 6, 2018.

The State Canvassing Board certified the results of the election on November 16, 2018. 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.

**66<sup>th</sup> Legislative Assembly  
Senators Elected - General Election, November 6, 2018**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Brad Bekkedahl	1
Oley Larsen	3
Randy A. Burckhard	5
Nicole Poolman	7
Richard Marcellais	9
Tim Mathern	11
Judy Lee	13
Dave Oehlke	15
Ray Holmberg	17
Robert O. Fors	19
Kathy Hogan	21
Joan Heckaman	23
Larry E. Luick	25

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Kristin Roers	27
Terry M. Wanzek	29
Donald Schaible	31
Jessica Unruh	33
Erin Oban	35
Rich Wardner	37
Dale Patten	39
Kyle Davison	41
JoNell Bakke	43
Ronald Sorvaag	45
Mike Dwyer	47

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 3, 2018**

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, 2020.

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.

**66<sup>th</sup> Legislative Assembly  
Members of the North Dakota Senate  
Terms expiring November 30, 2020**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
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
Larry J. Robinson	24
Jim Dotzenrod	26
Robert Erbele	28
Diane Larson	30
Dick Dever	32
Dwight Cook	34
David Hogue	38
Karen K. Krebsbach	40
Curt Kreun	42
Merrill Piepkorn	44

**MEMBER**

Jim P. Roers

**DISTRICT NUMBER**

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**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 3, 2018**

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, 2018, as provided for in Section 16.1-13-10 of the North Dakota Century Code. The term will expire at midnight on November 30, 2020.

Jay Elkin  
State Senator  
Legislative District No. 36

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 December 3, 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.

**MOTION**

**SEN. KLEIN MOVED** a committee of two be appointed to escort Justice Jerod E. Tufte to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed. The President appointed Sens. D. Larson and Marcellais.

**OATH OF OFFICE**

**JUSTICE JEROD E. TUFTE ADMINISTERED** the Oath of Office to the newly elected Senators.

**DISTRIBUTION OF LEGISLATORS' MATERIAL**

Mr. John Bjornson, Director of the 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 Sanford presiding.

**SELECTION OF SEATS**

**PRESIDENT SANFORD ANNOUNCED** that the Senate seats would be selected according to the following Seniority Table: 2019

**SENATE SENIORITY TABLE  
(2019 session not included)**

<b>Name</b>	<b>Sessions Served</b>	<b>Total Senate Sessions</b>	<b>Total Legislative Sessions</b>
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17	21	21
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17	16	16
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15-17	15	15
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15-17	15	15
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09-11-13-15-17	12	12

Lee, Judy	1995-97-99-01-03-05-07-09-11-13-15-17	11	11
Cook, Dwight	1997-99-01-03-05-07-09-11-13-15-17	11	11
Klein, Jerry	1997-99-01-03-05-07-09-11-13-15-17	10	14
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11-13-15-17	10	11
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11-13-15-17	9	9
Dever, Dick	2001-03-05-07-09-11-13-15-17	9	9
Erbele, Robert	2001-03-05-07-09-11-13-15-17	8	8
Lee, Gary A.	2003-05-07-09-11-13-15-17	6	6
Heckaman, Joan	2007-09-11-13-15-17	6	6
Marcellais, Richard	2007-09-11-13-15-17	6	6
Oehlke, Dave	2007-09-11-13-15-17	5	5
Hogue, David	2009-11-13-15-17	4	4
Burckhard, Randall A.	2011-13-15-17	4	4
Larsen, Oley	2011-13-15-17	4	4
Luick, Larry	2011-13-15-17	4	4
Schaible, Donald	2011-13-15-17	4	4
Sorvaag, Ronald	2011-13-15-17	3	3
Anderson, Jr., Howard C.	2013-15-17	3	3
Grabinger, John	2013-15-17	3	3
Poolman, Nicole	2013-15-17	3	3
Unruh, Jessica	2013-15-17	2	3
Rust, David S.	(House 2009-11-13)-15-17	2	5
Bakke, JoNell A.	2007-09	2	2
Bekkedahl, Brad	2015-17	2	2
Davison, Kyle	2015-17	2	2
Oban, Erin	2015-17	2	2
Roers, Jim P.	2017	1	1
Larson, Diane	(House 1989-13-15)-17	1	4
Kreun, Curt	(House 2011-13)-17	1	3
Clemens, David A.	2017	1	1
Kannianen, Jordan	2017	1	1
Meyer, Scott	2017	1	1
Myrdal, Janne	2017	1	1
Osland, Arne	2017	1	1
Piepkorn, Merrill	2017	1	1
Vedaa, Shawn	2017	1	1
Hogan, Kathy	House (2009-11-13-15-17)	0	5
Dwyer, Mike		0	0
Elkin, Jay (36)		0	0
Fors, Robert		0	0
Patten, Dale		0	0

Roers, Kristin

0

0

**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 vote.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that nominations cease and that a unanimous ballot be cast for Eileen Giese 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 SANFORD ADMINISTERED** the Oath of Office to the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms.

**MOTION**

**SEN. G. LEE MOVED** the nomination of Senator Hogue for the office of President Pro Tem, which motion prevailed.

**REMARKS OF SENATOR G. LEE**

**MR. PRESIDENT:** It is my pleasure to make this nomination for the Senate President Pro Tempore of this, the 66th Legislative Session.

The nominee is a leader in the Senate and his community. He is a respected attorney for a host of clients, has served his country with distinction and is a terrific family man.

This senator's legislative service dates to the 50th legislative session in 1987, when as a third-year year law student, he worked in the Minority Office of Republican Leader John Olson.

From that time, he vowed to come back and serve as a seated senator. Since his election in 2009, Senator David Hogue has served on Legislative Management, chaired the interim Tax and Judiciary Committees and the Senate's standing Judiciary Committee, each requiring the ability to manage a large agenda and shape legislation in which all North Dakotans have a keen interest. He is currently serving his fourth term as Majority Caucus Chairman.

A media source, not too long ago, referred to Senator Hogue as arguably one of the best legal minds in the state. The next day, another media outlet called him, and I paraphrase, a not-so-bright legislator, for introducing a ballot measure that would, in their view, stifle the initiated measure process in North Dakota. If I could read between those two lines, I might say he is a very wise man, willing to take on the difficult subjects in our business.

David has served his Minot community on a multitude of Boards and Foundations. And when volunteers were needed during the devastating flood of 2011, he put his farm and ranch experience to work, volunteering his time driving truck, hauling clay fill, to build dikes in and around his city.

Senator Hogue also carries the title of Colonel, retiring from the Army National Guard in 2009. He is a combat veteran, serving a tour of duty in Afghanistan, where he was awarded

the Bronze Star.

Dave and his wife Paula have two children. Family time for them is a priority.

Senator Hogue has a demonstrated history of effective, proven leadership.

So I consider it an honor to nominate, a colleague and friend, Senator David Hogue for Senate President Pro Tempore of the 2019 Legislative Session.

#### MOTION

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

#### REMARKS OF SENATOR PIEPKORN

**MR. PRESIDENT:** It is my distinct honor to place into nomination my fellow senator, JoNell Bakke to be the next Senate President Pro-Tempore for the North Dakota State Senate. Senator Bakke represents District 43 in Grand Forks. She was first elected to the Senate in 2006...lost her seat in 2010...and was unsuccessful in a bid to regain that seat in 2014. But persistent to the end, JoNell won her race for the Senate, regaining her place in this chamber. She arrived into town a little late because she thought the 80 mph speed limit bill proposed by the senator who most recently occupied the seat had actually passed. She got picked up for doing 87 mph on the Interstate, delaying her arrival.

JoNell has the experience and fortitude for the job, having served on several committees, primarily education, in the past. She holds a BS and MA degree in education, both from the University of North Dakota. And perhaps what has really toughened up Senator Bakke and truly qualified her for this prestigious position is that back in "0-7" as a freshman senator, she survived a particularly harrowing pinning ceremony at the hands of then Senator Joel Heitkamp. Details are sketchy, or perhaps embellished over the years, but nonetheless JoNell is a stronger woman for surviving the ordeal. And yes, the entire ceremony is available on cable TV as a Pay-per-view!

Mr. President, Senator Bakke's experience, tenacity, dedication to service, and skills as an educator and leader make her the perfect candidate for the job and she will serve this body well. Thank you.

#### MOTION

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

#### MOTION

**SEN. KLEIN MOVED** that a committee of three be appointed to escort the newly elected President Pro Tem to the rostrum, which motion prevailed. The President appointed Sens. O. Larsen, Krebsbach, and Burckhard.

#### OATH OF OFFICE

**PRESIDENT SANFORD ADMINISTERED** the Oath of Office to President Pro Tempore Hogue.

#### REMARKS OF PRESIDENT PRO TEMPORE HOGUE

**MR. PRESIDENT:** Thank you. It's been a hectic morning, and I've been trying to get prepared, but I just haven't had the time to prepare an acceptance speech. I am so sorry, Mr. President, between the seat assignments and seconding motions it's been a busy day. I am so thankful my wife was able to prepare a speech for me. I hope you don't mind Mr. President.

I want to thank all of you for electing me to serve as President Pro Tempore of the Senate.

I want to thank my lovely wife Paula, who has supported me through all the political and legislative events along the way that culminated with this election.

I need to thank John Bjornson and the wonderful staff of Legislative Council who work lots of long hours to make sure this hectic process runs smoothly.

I must express infinite gratitude to my hard working wife who will log more hours on our snowblower this winter than I can possibly imagine. (In my defense, it's electric start; always get it tuned up though; no ethanol gas.)

I should like to thank the people of District 38 who have given me the honor to serve as their state senator.

I want to recognize my lovely and charming wife Paula, whose diamond wedding ring of 27 years certainly should be accessorized with matching diamond earrings and a diamond necklace. (Thought we had a deal at 30 years.)

I also need to give thanks to the temporary staff of the Senate chamber and the committee rooms who make our task much easier.

I need to praise my beautiful wife Paula, who is well deserving of some retail shopping therapy in Minneapolis when the session gets too long.

Well, that's quite a speech sweet pea.

I want to thank Senator Gary Lee for that nomination speech. This morning he told me he was having a hard time preparing a nomination speech because he couldn't find anything nice to say about me. I offered to give him my mother's telephone number.

I did want to say a few words of my own. Honestly, I don't have any profound words to impart to all of you, but I want you to know how much I enjoy serving with all of you.

I've always believed to be successful at one's endeavors it's completely necessary to enjoy what you're doing, to take joy and pride and have fun everyday. And this might be more than you want to know, but I confess that I go to bed thinking about bills that come up and will come up. I have my first morning cup of coffee and try to figure out whether a bill on the calendar is a good bill or a bad bill, whether the policy contained within the bill makes sense for the people of North Dakota, whether the bill can be salvaged with an amendment, or whether it ought to suffer a quick painless death.

I've known since 1987 this is a great place to work. I served as an intern. Senator Holmberg was here. Senator Mathern was a freshman. I learned that this was a place with folks of different ideologies who could have robust debate, endeavor to do what's best for the state, and still be good friends.

Thank you for the opportunity to serve as your president pro tempore. I look forward to serving you and the people of North Dakota this session.

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate adopt as temporary rules the Senate and Joint Rules of the 65th Legislative Assembly, as adopted on Wednesday, December 7, 2016, which motion prevailed.

#### **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. Krebsbach, G. Lee, and Grabinger.

#### **MOTION**

**SEN. KLEIN MOVED** that a committee of nine be appointed to form, with the Majority Leader, Senator Wardner, the Committee on Committees, which motion prevailed. The President announced the appointment of Sens. Cook, Dever, Hogue, Klein, Krebsbach, G. Lee, 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 announced the appointment of Sens. Klein, Unruh, G. Lee, Oban, and Robinson.

**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 Bakke.

**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, Davison, Rust, Grabinger, and Piepkorn.

**MOTION**

**SEN. KLEIN 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 announced the appointment of Sens. Anderson, Meyer, and Bakke.

**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, Erbele, Hogue, Schaible, Vedaa, Dotzenrod, Mathern, and Hogan.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand adjourned until 9:00 a.m., Tuesday, December 4, 2018, which motion prevailed on a voice vote.

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

**Shanda Morgan, Secretary**