

**Organizational and Orientation Session**

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, December 3, 2012**

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

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

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 3, 2012**

In accordance with 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, 2012.

Each member was issued a Certificate of Election (copies enclosed) after the State Canvassing Board certified the results of the election on November 16, 2012. The Certificates of Election were prepared by the Secretary of State and signed by the Governor, Clerk of the Supreme Court (as member of the State Canvassing Board), and the Secretary of State 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 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.

**63<sup>rd</sup> Legislative Assembly  
Senators Elected - General Election, November 6, 2012**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
John M. Andrist	2
John M. Warner	4
David Paul O'Connell	6
Nicole Poolman	7
Howard C. Anderson, Jr.	8
Joe Miller	10
John Grabinger	12
Jerry Klein	14
Tyler Axness	16
Connie Triplett	18
Tom Campbell	19
Phil Murphy	20
Gary A. Lee	22
Larry J. Robinson	24
Jim Dotzenrod	26

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Robert S. Erbele	28
Ron Carlisle	30
Dick Dever	32
Dwight Cook	34
Kelly Armstrong	36
David Hogue	38
Karen K. Krebsbach	40
Mac Schneider	42
Tim Flakoll	44
George B. Sinner	46

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**  
**December 3, 2012**

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, 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.

**63<sup>rd</sup> Legislative Assembly**  
**Members of the North Dakota Senate**  
**Terms expiring November 30, 2014**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Stanley W. Lyson	1
Oley Larsen	3
Randy Burckhard	5
Richard Marcellais	9
Tim Mathern	11
Judy Lee	13
Dave Oehlke	15
Ray Holmberg	17
Carolyn Nelson	21
Joan M. Heckaman	23
Larry Luick	25
Spencer Berry	27
Terry M. Wanzek	29
Donald Schaible	31
Margaret Sitte	35
Rich Wardner	37
Bill Bowman	39
Tony Grindberg	41
Lonnie Laffen	43
Ronald Sorvaag	45
Ralph Kilzer	47

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**  
**December 3, 2012**

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 person as provided for in Section 16.1-13-10 of the North Dakota Century Code. The term will expire at midnight on November 30, 2014.

Jessica Unruh  
State Senator Legislative District No. 33

In addition, in accordance with Section 4, Article XI, of the North Dakota Constitution, an Oath of Office (or affirmation) form was provided to her, with instructions to execute it before a Notary Public and file it with the Secretary of State before she assumes the duties of her office. The Oath was received and filed on November 30, 2012.

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.

**ROLL CALL**

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

A quorum was declared by the President.

**MOTION**

**SEN. KLEIN MOVED** that a committee of two be appointed to escort Justice Dale Sandstrom to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed. The President appointed Senators Hogue and Triplett.

**OATH OF OFFICE**

**JUSTICE DALE SANDSTROM ADMINISTERED** the Oath of Office to the newly elected Senators.

**DISTRIBUTION OF LEGISLATORS' MATERIAL**

Mr. Jay E. Buringrud, Director of Legal Services, Legislative Council, explained the contents of the packets handed out to the members of the Senate.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

former Governor George Sinner Sr. and First Lady Jane Sinner.

**MOTION**

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

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

**MOTION**

**SEN. KLEIN MOVED** the nomination of Bill Horton for the office of Secretary of the Senate, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** moved that nominations cease and that a unanimous ballot be cast for Bill Horton as Secretary of the Senate, which motion prevailed on a voice vote.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** moved that nominations cease and that a unanimous ballot be cast for Shanda Morgan as Journal Reporter, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** the nomination of Arnold Thomas 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 Arnold Thomas 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. ERBELE MOVED** the nomination of Senator Wanzek for the office of President Pro Tem, which motion prevailed.

#### REMARKS OF SENATOR ROBERT ERBELE

**MR. PRESIDENT:** It is my great privilege this afternoon to place the name of Senator Terry Wanzek in nomination for President Pro Tem of the Senate. I have known Senator Wanzek for the past 12 years and have worked closely with him on a variety of issues. I have come to appreciate his dedication and compassion to his work in this Senate on behalf of his constituents and all the people of this great state.

Senator Wanzek began his legislative career in 1992 when he was elected to the House. He was elected to the Senate in 1994. He has served on several committees: Education, IBL, and 3 sessions as Agriculture Chairman. He currently serves on Appropriations.

What a person values tells a lot about his character and you do not have to know Senator Wanzek very long to see that his faith and his family are top priorities in his life. His love of God and country and his love for his wife, Janice, and his three children are very evident in his conversation and his actions.

Senator Wanzek is also a strong community leader and is passionate about the business of Agriculture. He is an innovative farmer who embraces new technologies. He has been President of the ND Grain Growers and a member of the Board of Directors of the National Wheat Growers and was awarded the ND Community Leadership Award from the ND Chamber of Commerce.

Mr. President, Senator Wanzek will bring his dedication and attention to detail to the job of President Pro Tem and it is my honor to move the name of my friend and colleague, Senator Terry Wanzek, in nomination for President Pro Tem.

#### MOTION

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

#### REMARKS OF SENATOR LARRY ROBINSON

Members of the Senate, it is an honor and a privilege for me today to place the name of Senator Jim Dotzenrod, our good friend and fellow Senator in nomination for President Pro Tem. Senator Jim Dotzenrod joined us here in the Senate in January of 2009 and has served on the Tax and Political Subdivisions Committees since that time. Many of you were here and remember his arrival in the Senate.

A much smaller number of you were here when Senator Dotzenrod first joined the Senate as a freshman legislator in January 1979. He served in the Senate for 16 years as Chairman of the Senate Finance and Tax Committee and Chairman of the Senate Political Subdivisions Committee and left for family and farm matters in 1994.

Senator Dotzenrod has farmed and been active in his community for 40 years since returning home from the military in 1972. He is a native-born and educated (NDSU) rural legislator who understands agriculture and ND state issues from years of experience as a lawmaker and as someone who has worked with the political subdivisions of the state.

Many of you know he is the proud owner of two dogs - Willie and Waylon. Last session they were residents of the Four Paws Inn here in Bismarck. This year they will remain at home. His life experiences are many and varied. He is an experienced pilot, served 4 years in the military at a parachute test facility in the desert southwest, and 20 years in the ND Air

National Guard as Aircraft Armament Officer. His hobbies include an interest in cars from the late 1960s, hunting and attending regional gun shows and spending time with his sons Allen and Rudy. He lives in Wyndmere, farms with a son and enjoys his grandkids very much.

Senator Dotzenrod would make a very capable Senate President Pro Tempore.

Mr. President, it is truly an honor to nominate Senator Dotzenrod for the office of President Pro Tem.

#### MOTION

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

#### ROLL CALL

The question being on the nomination for President Pro Tem, the roll was called and there were 33 VOTES FOR SEN. WANZEK, 13 VOTES FOR SEN. DOTZENROD, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**VOTES FOR SEN. WANZEK:** Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G; Lee, J; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Schneider; Sitte; Sorvaag; Unruh; Wardner.

**VOTES FOR SEN. DOTZENROD:** Axness; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Sinner; Triplett; Wanzek; Warner.

#### 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. Miller and Erbele.

#### OATH OF OFFICE

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

#### REMARKS OF PRESIDENT PRO TEMPORE WANZEK

Lt. Governor and fellow colleagues of the Senate, I have always found comfort and security in the fact that there have been those folks in my life to turn to, whether it be a senior colleague, a grandparent, or a parent, who are older, more experienced and viewed with more wisdom, from whom I could seek guidance when facing uncertainty in life--in other words, the responsible generation that is in control!

With each passing year though, I am beginning to realize that those treasured people from that generation are becoming fewer and fewer and that I am quickly moving into that category. Well, at least the category of older. Let's face it, I have not been chosen for this position because of some superior intelligence, leadership ability or anything of that sort, but rather that I am next in line, it is my turn.

However, life is not about how good the cards are that you hold in your hand, but rather it is more about how well you play those cards that you have been dealt. It's about how you are using the gifts and the talents that have been endowed upon you by your Creator, to their greatest extent in helping serve God and serve others! It's about how you are using your talents or your God given abilities in making this a better place to live. This is the essence of life.

I have seen this kind of service here in the North Dakota Senate. It is the kind of service that I witnessed in each one of you and also in those who preceded us. I believe each one of you are here not by chance, but that you have been chosen or called to this service for a reason. It is because of this call to service, the respect for this institution, the respect that I have for each of you and the love of our country and our state of ND that I am honored, humbled and proud to serve as your President Pro Tempore. Thank you.

#### MOTION

**SEN. KLEIN MOVED** that the Senate adopt as temporary rules the Senate and Joint Rules of the 62nd Legislative Assembly, as adopted on Wednesday, December 8, 2010, which

motion prevailed.

### SELECTION OF SEATS

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

#### 2013 SENATE SENIORITY TABLE (2013 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	18	18
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09-11	13	13
O'Connell, David	(House 1983-85-87)-89-91-93-95-97-99-01-03-05-07-09-11	12	15
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11	12	12
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09-11	12	12
Bowman, Bill L.	1991-93-95-97-99-01-03-05-07-09-11	11	11
Andrist, John	1993-95-97-99-01-03-05-07-09-11	10	10
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09-11	10	10
Grindberg, Tony	1993-95-97-99-01-03-05-07-09-11	10	10
Nelson, Carolyn C.	(House 1987-93)-95-97-99-01-03-05-07-09-11	9	11
Lee, Judy	1995-97-99-01-03-05-07-09-11	9	9
Cook, Dwight	1997-99-01-03-05-07-09-11	8	8
Klein, Jerry	1997-99-01-03-05-07-09-11	8	8
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11	7	11
Kilzer, Ralph	(House 1997)-99-01-03-05-07-09-11	7	8
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11	7	8
Flakoll, Tim	1999-01-03-05-07-09-11	7	7
Lyson, Stanley W.	1999-01-03-05-07-09-11	7	7
Dever, Dick	2001-03-05-07-09-11	6	6
Erbele, Robert	2001-03-05-07-09-11	6	6
Lee, Gary A.	2003-05-07-09-11	5	5
Warner, John M.	(House 1997-99-01-03)-05-07-09-11	4	8
Triplett, Connie	2005-07-09-11	4	4
Heckaman, Joan	2007-09-11	3	3
Marcellais, Richard	2007-09-11	3	3
Oehlke, Dave	2007-09-11	3	3
Hogue, David	2009-11	2	2
Miller, Joe	2009-11	2	2
Schneider, Mac	2009-11	2	2
Sitte, Margaret	(House 2003-05)-11	1	3

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Berry, MD, Spencer	2011	1	1
Burckhard, Randall A.	2011	1	1
Laffen, Lonnie J.	2011	1	1
Larsen, Oley	2011	1	1
Luick, Larry	2011	1	1
Murphy, Philip M.	2011	1	1
Schaible, Donald	2011	1	1
Sorvaag, Ronald	2011	1	1
Carlisle, Ron	(House 1991-93-95-97-99-01-03-05-07)	0	9
Anderson, Jr., Howard C.		0	0
Armstrong, Kelly M.		0	0
Axness, Tyler		0	0
Campbell, Tom		0	0
Grabinger, John		0	0
Poolman, Nicole		0	0
Sinner, George B.		0	0
Unruh, Jessica K.		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. J. Lee, Schaible, and Heckaman.

#### MOTION

**SEN. KLEIN MOVED** that a committee of seven be appointed to form, with the Majority Leader, Senator Wardner, the **Committee on Committees**. The President announced the appointment of Sens. Grindberg, Krebsbach, J. Lee, Lyson, Schneider, Heckaman, and Murphy.

#### 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 Grabinger.

#### 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. Andrist, Anderson, and Sinner.

#### 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 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 act, with a like committee from the House, as the **Inaugural Planning Committee**, which motion prevailed. The

President announced the appointment of Sens. Krebsbach, Poolman, and Nelson.

**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, Klein, Sorvaag, Sitte, Grabinger, Triplett, and Dotzenrod.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

former Senator Randel Christmann

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused and that the remarks of Sen. Wanzek be printed in the journal, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand adjourned until 9:00 a.m., Tuesday, December 4, 2012, which motion prevailed on a voice vote.