

**Organizational and Orientation Session**

**JOURNAL OF THE SENATE**

**Sixty-seventh Legislative Assembly**

\* \* \* \* \*

**Bismarck, December 1, 2020**

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

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

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER  
December 1, 2020**

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 individuals elected to the Office of Senator in the General Election that was held on November 3, 2020.

The results of the election were certified by the State Canvassing Board on November 13, 2020. Then, as authorized in Section 16.1-15-45 of the North Dakota Century Code, Certificates of Election were 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.

A Certificate of Election was issued to each of the newly elected members of the legislative assembly, as directed in Section 16.1-15-46 of the North Dakota Century Code.

In addition, as required by 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.

**67<sup>th</sup> Legislative Assembly  
Senators Elected - General Election, November 3, 2020**

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
David S. Rust	2
Jordan Kannianen	4
Shawn Vedaa	6
Howard Anderson	8
Janne Myrdal	10
Cole Conley	12
Jerry Klein	14
David Clemens	16
Scott Meyer	18
Randy Lemm	20
Mark Weber	22
Mike Wobbema	24
Jason Heitkamp	26
Robert Erbele	28

<b>MEMBER</b>	<b>DISTRICT NUMBER</b>
Diane Larson	30
Dick Dever	32
Doug Larsen	34
Jay Elkin	36
David Hogue	38
Karen Kay Krebsbach	40
Curt Kreun	42
Merrill Piepkorn	44
Jim Roers	46

**COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER**  
December 1, 2020

In accordance with Section 54-03-03 of the North Dakota Century Code, I hereby certify the enclosed list is a true and correct record of members of the Senate whose terms in office do not expire until midnight on November 30, 2022.

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.

**67<sup>th</sup> Legislative Assembly**  
**Members of the North Dakota Senate**  
**Terms expiring November 30, 2022**

<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
Robert Fors	19
Kathy Hogan	21
Joan Heckaman	23
Larry Luick	25
Kristin Roers	27
Terry Wanzek	29
Donald Schaible	31
Jessica Unruh Bell	33
Erin Oban	35
Rich Wardner	37
Dale Patten	39
Kyle Davison	41
JoNell Bakke	43

MEMBER	DISTRICT NUMBER
Ronald Sorvaag	45
Michael Dwyer	47

#### ROLL CALL

The roll was called and all members were present, except Sens. Clemens, Marcellais, and J. Roers.

A quorum was declared by the President.

#### MOTION

**SEN. KLEIN MOVED** a committee of two be appointed to escort Chief Justice Jon J. Jensen to the rostrum to administer the Oath of Office to the newly elected members, which motion prevailed. The President appointed Sens. D. Larson and Hogan.

#### OATH OF OFFICE

**CHIEF JUSTICE JON J. JENSEN ADMINISTERED** the Oath of Office to the newly elected Senators.

#### MOTION

**SEN. KLEIN MOVED** the Senate adopt as temporary rules the Senate and Joint Rules of the 66th Legislative Assembly, as adopted on December 5th, 2018, and amended to include amendments to Senate Rules 102, 201, 303, 305, 321, 360, 361, and Joint Rule 801 to authorize remote voting, remote participation in committee hearings and floor sessions, and to limit guests and others in the chamber, which motion prevailed.

**SECTION 1. AMENDMENT.** Senate Rule 102 is amended as follows:

**102. Absence and presence.** As used in these rules, "absent" means not present, and "present" means being physically in the chamber or room where the session or meeting is being held, and for purposes of a committee meeting, includes participation or participating in the session or meeting by means of interactive video or teleconference call. A member present and participating remotely has the same rights, privileges, and duties as a member physically present, is deemed to be "on the floor" for purposes of floor sessions, and may vote remotely. No member or officer of the Senate, unless unable to attend due to illness or other cause, may be absent from a session of the Senate, during an entire day, without first having obtained leave from the Senate, and no one is entitled to draw pay while absent more than one day without leave.

**SECTION 2. AMENDMENT.** Subsection 2 of Senate Rule 201 is amended as follows:

2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the President or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared. The President or the chairman of the Committee of the Whole may limit the number of individuals in the galleries or corridors, require spacing between individuals in the galleries or corridors, or take other actions to promote health and safety in the Senate chamber.

**SECTION 3. AMENDMENT.** Senate Rule 303 is amended as follows:

#### **303. Call of the Senate.**

1. Eight members of the Senate may cause a call of the Senate to be ordered and absent members to be sent for, but a call may not be ordered while a vote is being taken.
2. The call being requested, the presiding officer shall require those desiring the call to rise or raise their hands, and if eight or more members rise or raise their hands, the call must be ordered.
3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the chamber. No member present and participating remotely may leave the remote proceeding.

4. The Secretary shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall proceed to find and bring in those absentees or compel the absentees' remote participation.
5. While the Senate is under call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms, and no motion is in order except a motion to suspend further proceedings under the call, and the motion may not be adopted unless a majority of all members-elect vote in favor of the motion.
6. Upon a report of the Sergeant-at-Arms showing that all members who were absent without leave, naming them, are present, the call is at an end, the door must be opened, and the Senate shall proceed with the business pending at the time the call was made.

**SECTION 4. AMENDMENT.** Senate Rule 305 is amended as follows:

**305. Recognition by the presiding officer.** Every member ~~desiring~~ who is present physically and wishes to speak shall so indicate by pressing the "speak" button on the member's desk. If the "speak" button does not work, the member may rise and, respectfully address the presiding officer, and shall remain standing in place before proceeding to speak until recognized by the presiding officer. Every member who is present and participating remotely and wishes to speak shall so indicate by the means designated by the presiding officer and shall wait to speak until recognized by the presiding officer. When two or more members ~~rise~~ indicate a wish to speak at the same time to speak, the presiding officer shall designate the member who is to speak first, but in all other cases the member who rises first ~~and~~ addresses the presiding officer must be the first recognized.

**SECTION 5. AMENDMENT.** Senate Rule 321 is amended as follows:

**321. Vote by members.** Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the Senate, unless the Senate excuses the member. If the member has not voted before the key is closed, the member shall vote before the vote is announced. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the Senate by that other member while ~~in the chamber~~ present. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and may not vote thereon without the consent of the Senate. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

**SECTION 6. AMENDMENT.** Senate Rule 360 is amended as follows:

**360. Electrical voting system and remote voting.** Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which is under the control of the presiding officer. A member who is present and participating remotely may vote using a system established for that purpose. The system must provide means to record and make public the member's roll call votes.

**SECTION 7. AMENDMENT.** Senate Rule 361 is amended as follows:

**361. Guests - Introduction and announcement - Limitations.**

1. Introduction of guests in the Senate is limited to those individuals called on to address the Senate, individuals of statewide, national, or international prominence, and others in the discretion of the presiding officer. ~~The presence of other guests in groups may be announced daily on the electronic message boards.~~
2. ~~No member may have more than one guest on the floor during any period guests are restricted under Senate Rule 205. No member may have more than one guest in the morning on the floor during a session and one guest in the afternoon on the floor during a session. The guest must be seated with the member at the time the session convenes and may not leave the floor during debate. No guest may be seated with the member after that member's original guest for that session leaves the floor.~~

3. ~~For the purposes of this rule, the floor of the Senate is all of the first floor of the Senate chamber in front of the railing. No other guests are allowed on the first floor of the chamber in front of the railing.~~

**SECTION 8. AMENDMENT.** Joint Rule 801 is amended as follows:

**801. Open legislative meetings.** All meetings of the Legislative Assembly and its committees, including interim legislative committees, are open to the public and the press at all times when pending or proposed legislation is being considered. A meeting available via teleconference call or electronic means is open to the public and the press provided the audio of the meeting may be heard in real time.

#### MOTION

**SEN. KLEIN MOVED** the Senate adopt as a temporary rule Senate Rule 363, which requires the wearing of a face mask or shield, covering the nose and mouth completely, in the chamber and other areas controlled by the Legislative Assembly unless, in areas other than the chamber, social distancing of at least six feet from the other persons is maintained, which motion prevailed.

**SECTION 1.** Senate Rule 363 is created as follows:

#### **363. Public health.**

1. Except as provided in subsection 2, each individual in an area of the Capitol complex controlled by the Legislative Assembly shall wear a face mask or shield covering the nose and mouth completely. Areas controlled by the Legislative Assembly include the legislative chambers, committee rooms, Memorial Hall, Legislative Hall, the Legislative Council office, and any additional space the Legislative Assembly acquires for its use.
2. When social distancing is maintained without exception, a member of the Senate may remove the member's face mask or shield in areas of the Capitol complex other than legislative chambers which are controlled by the Legislative Assembly. "Social distancing" means remaining at least six feet from all other individuals.
3. Notwithstanding subsection 2, a committee chairman may require each individual in the chairman's committee room to wear a face mask or shield covering the nose and mouth completely.

#### DISTRIBUTION OF LEGISLATORS' MATERIAL

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

#### MOTION

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

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford 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** the nomination of Florence King for the office of Journal Reporter, which motion prevailed.

#### MOTION

**SEN. KLEIN MOVED** the nomination of Lyle Lauf for the office of Sergeant-at-Arms, which motion prevailed.

#### OATH OF OFFICE

**PRESIDENT SANFORD ADMINISTERED** the Oath of Office to the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms.

### REMARKS OF SENATOR HOGUE

Mr. President, I am genuinely honored to nominate my friend Senator Randy Burckhard to be the President Pro Tempore of the 67th Legislative Assembly. In gathering my thoughts about what to tell you about Randy, I came to the realization that there isn't much we don't already know about him.

As an example, I was going to talk about his work ethic. But we all know, as he frequently reminds us, Senator Burckhard works hard! As another example, I was going to tell you a little about where he is from. But we all know Senator Burckhard is from The Magic City, Titledown! The town with more spelling bee champions than you can count. The town where all students are above average.

What I can tell you is that when Senator Burckhard develops a relationship with a person or organization, well that person or organization has a fiercely loyal friend and advocate for life. Take the lovely lady sitting next to Randy. That's Pat, Randy's wife of 47 years. They have three adult children and nine grandchildren. All three of Randy and Pat's children are talented medical professionals who could work anywhere they want in the US. All three chose to live in the Title town not only because it is Titledown but because they want to be near their loving parents.

Randy's served as a telecommunications executive in the Minot community for most of his professional life. The company Randy worked for was sold twice in his career, and both times the acquiring company kept him on as an employee.

If you hear his 4th order speeches, you know how passionate he is about his community. He backs that passion up with outstanding public service. Before he was a senator, he served on the Minot City Council for 8 years from 2002-2010. At no time, not once, did they gavel him out of order for giving an improvident 4th order speech.

For 23 years he has served as a member of what Minot calls Task Force 21. The mission of the task force is to educate the public, public officials and the leadership of the Department of Defense about the value of the Minot Air Force Base and its dual mission. This is all volunteer work that has as its objective the promotion and preservation of the Minot Air Force Base.

I can report that Randy is a 1974 graduate of Minot State University. That may seem like a mundane educational credential, but in 1974 his graduation was not assured. That's not because he was a bad student. He was a great student. But he made the mistake in his final year of taking an advanced swimming class. Well, you might say Senator Burckhard was in over his head. If you saw him in the swimming pool, you would not confuse him with Michael Phelps. Randy flailed away in the Minot State University pool and avoided drowning for a semester, and for his efforts he received a D in the class. It didn't matter that Minot State almost drowned him, Randy was always going to support his alma mater. He went on to be one of MSU's strongest supporters, He's served as the president of the MSU alumni association. In 2007, MSU awarded him its prestigious Golden Award.

If elected, this will not be Senator Burckard's first leadership stint in the North Dakota Senate. He has ably served as chairman of the political subdivisions committee for two sessions. Senator Burckhard is the right person for the position of President Pro Tempore and I urge you to cast your vote for him. Thank you.

### REMARKS OF SENATOR OBAN

Mr. President, let me start today in honor of the now former Senator in whose chair I now sit, using the two words that started every single floor speech he ever gave: I rise to nominate my friend and our colleague, Senator Hogan, for the position of Senate Pro Tempore of this 67th Legislative Session.

Sen. Hogan's legislative career started across the hall in the House of Representatives with an appointment in 2009, earning her own right in 2010 and again in 2014 when she was elected and re-elected to serve Fargo's District 21. Though assigned partially as a punishment at the time and now worn as badge of honor, Sen. Hogan served on nearly every committee during her time in the House, arming her with just enough knowledge and experience to make her a dangerous. In 2018, she was elected to the North Dakota Senate where her expertise in human services issues and her "urban perspective" in Agriculture serves her constituents and this body well.

Add to that the fact that she's dubbed herself the Queen of all Procedures and Rules makes her a natural fit to effectively fill the role of and hold this fort down when necessary.

As such, it is my privilege to nominate Sen. Kathy Hogan as President Pro Tempore throughout the upcoming session.

#### **MOTION**

**SEN. HOGAN MOVED** the Senate cast a unanimous ballot for Senator Randy Burckhard as President Pro Tempore, which motion prevailed on a voice vote.

#### **MOTION**

**SEN. KLEIN MOVED** a committee of two be appointed to escort the newly elected President Pro Tempore to the rostrum, which motion prevailed. The President appointed Sens. Bekkedahl and Meyer.

#### **OATH OF OFFICE**

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

#### **REMARKS OF PRESIDENT PRO TEMPORE BURCKHARD**

Well, thank you. It is very humbling. The title of this speech is "The Temporariness of Things." I am going to give thanks, I am going to give credit, and I will be shorter than the nomination speech was.

So credit goes first of all to my wife, Pat. As many of you know, we were high-school sweethearts and got married in college at Minot State. That was before I got the "D" in swimming. She outranks me big time. She is the Speaker of the House at 1837 15<sup>th</sup> Street. She is also my Chief of Staff. She is fully aware of the time commitment and the sacrifice that being a legislator requires. She knew me way before I was known as "honorable."

I'd like to thank Senator Hogue for the nomination and for his friendship. I'd also like to thank Duane Brekke. Duane Brekke is the godfather of the Fifth District Republicans in Minot who convinced me to run for the Senate with not very much lead time back in 2010. I'd also like to thank the memory of Bob Stenehjem who was our Majority Leader my first session. Also Senator and Majority Leader Rich Wardner and my Fifth District Republican teammates in the House, Scott Louser and Jay Fisher.

And I got to give a shout out to Lonnie Laffen state senator from Grand Forks. We sat next to each other for four sessions. And he had the audacity to do a mic drop as he was making fun of Minot not winning the championship that Grand Forks won. Total mic drop. I was kind of unimpressed, but a shout out to Lonnie Laffen.

And I would like to thank my mentor, Senator Karen Krebsbach. You know I sit between Senator Krebsbach and Senator Lee. Now, if osmosis works, I should be very smart by know. Those two ladies have a lot of institutional knowledge.

I would also like to thank Steve Lysne, the General Manager and CEO of SRT Communications in Minot. He had to convince the Board of Directors that I should be allowed to run for the legislature.

So I will give you a little historical perspective. Its a story about President Andrew Johnson, who had no vice president, and he was impeached in 1868. As we are aware, he became president because of the assassination of Abe Lincoln. So the Senate President Pro Tempore was named Benjamin Franklin Wade and was next in line to the presidency. Well Wade's radicalism is thought by many historians to be a major reason why the Senate, which did not want him to be in the White House, why the Senate acquitted President Johnson. Politics at its best.

The phrase "president pro tempore" is Latin for "for the time being". Again I am temporary in this, right? It is a constitutionally recognized officer of the Senate who presides over the chamber in the absence of the lieutenant governor. Hopefully that is not very often.

There are a number of past Presidents Pro Tem in the room that I would like to note, including Senators Judy Lee, Rich Wardner; Senators Holmberg, Krebsbach, Wanzek,

Senator Erbele, Senator Dever, Senator Oehlke, Senator Hogue, and Senator Ole Larsen. So I am humbled to be in such good company. In conclusion, I'd like to show my appreciation for all my Senate colleagues and the Legislative Council that will be tasked to train me on what to do and what buttons to push when I preside over this chamber. And I will leave you with this, this is a quote from General Robin Rand, four-star Air Force General, retired. He said "History makes you smarter. Heritage makes you prouder." I thank you.

#### SELECTION OF SEATS

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

#### 2021 SENATE SENIORITY TABLE (2021 session not included)

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17-19	22	22
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17-19	17	17
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15-17-19	16	16
Lee, Judy	1995-97-99-01-03-05-07-09-11-13-15-17-19	13	13
Klein, Jerry	1997-99-01-03-05-07-09-11-13-15-17-19	12	12
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11-13-15-17-19	11	15
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11-13-15-17-19	11	12
Dever, Dick	2001-03-05-07-09-11-13-15-17-19	10	10
Erbele, Robert	2001-03-05-07-09-11-13-15-17-19	10	10
Heckaman, Joan	2007-09-11-13-15-17-19	7	7
Marcellais, Richard	2007-09-11-13-15-17-19	7	7
Oehlke, Dave	2007-09-11-13-15-17-19	7	7
Hogue, David	2009-11-13-15-17-19	6	6
Burckhard, Randy A.	2011-13-15-17-19	5	5
Larsen, Oley	2011-13-15-17-19	5	5
Luick, Larry	2011-13-15-17-19	5	5
Schaible, Donald	2011-13-15-17-19	5	5
Sorvaag, Ronald	2011-13-15-17-19	5	5
Anderson, Jr., Howard C.	2013-15-17-19	4	4
Poolman, Nicole	2013-15-17-19	4	4
Unruh Bell, Jessica	2013-15-17-19	4	4
Rust, David S.	(House 2009-11-13)-15-17-19	3	6
Bakke, JoNell A.	2007-09-19	3	3
Bekkedahl, Brad	2015-17-19	3	3
Davison, Kyle	2015-17-19	3	3

Oban, Erin	2015-17-19	3	3
Roers, Jim P.	2017-19	2	2
Larson, Diane	(House 1989-13-15)-17-19	2	5
Kreun, Curt	(House 2011-13)-17-19	2	4
Clemens, David A.	2017-19	2	2
Kannianen, Jordan	2017-19	2	2
Meyer, Scott	2017-19	2	2
Myrdal, Janne	2017-19	2	2
Piepkorn, Merrill	2017-19	2	2
Vedaa, Shawn	2017-19	2	2
Hogan, Kathy	House (2009-11-13-15-17)-19	1	6
Dwyer, Michael	2019	1	1
Elkin, Jay R.	2019	1	1
Fors, Robert O.	2019	1	1
Patten, Dale	2019	1	1
Roers, Kristin	2019	1	1
Lemm, Randy D.		0	0
Conley, Cole		0	0
Heitkamp, Jason G.		0	0
Larsen, Doug		0	0
Weber, Mark F.		0	0
Wobbema, Michael A.		0	0

**MOTION**

**SEN. KLEIN MOVED** 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. Sorvaag, Lemm, and Piepkorn.

**MOTION**

**SEN. KLEIN MOVED** 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, Dever, Hogue, Klein, Krebsbach, Heckaman, Marcellais, and Bakke.

**MOTION**

**SEN. KLEIN MOVED** a committee of five be appointed to act as the Delayed Bills Committee, which motion prevailed. The President announced the appointment of Sens. Klein, Bell, Schaible, Meyer, and Oban.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** a committee of five be appointed to act as the Employment Committee, which motion prevailed. The President announced the appointment of Sens. Dever, Davison, Poolman, Burckhard, and Piepkorn.

**MOTION**

**SEN. KLEIN MOVED** 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, Elkin, and Bakke.

**MOTION**

**SEN. KLEIN MOVED** 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, Klein, Bekkedahl, Schaible, Hogan, and Mathern.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand adjourned until 9:00 a.m., Wednesday, December 2, 2020, which motion prevailed on a voice vote.

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

**Shanda Morgan, Secretary**