

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, January 9, 2009

The Senate convened at 12:00 p.m., with President Pro Tem Fischer presiding.

The prayer was offered by Father Marvin Klemmer, Church of the Ascension, Bismarck.

The roll was called and all members were present except Senators Grindberg, Klein, Lindaas, Nodland, and Taylor.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 43, after line 24, insert:

"SB 2045 passed and the title was agreed to."

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

## COMMUNICATION FROM GOVERNOR JOHN HOEVEN

January 6, 2009

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Mr. Michael Haugen to the North Dakota State Board of Higher Education. His term is until June 30, 2012.

Mr. Haugen's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Michael Haugen for this position by the 13th legislative day of the 2009 Legislative Session.

Thank you for your consideration.

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve the nominees to the North Dakota State Board of Higher Education: Sens. Nething, Freborg, Lyson, O'Connell, and Warner.

**SEN. STENEHJEM MOVED** that the report be adopted.

## MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2045.

## MOTION

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

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 12, 2009, which motion prevailed.

## REPORT OF STANDING COMMITTEE

**SB 2101: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2131: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2132: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2143: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2148: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2148 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2149: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. G. Lee, Robinson, Wardner and Reps. Delmore, Kempenich, Ruby introduced:

**SB 2177:** A BILL for an Act to amend and reenact sections 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 of the North Dakota Century Code, relating to the collection and distribution of highway funds; and to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund.

Was read the first time and referred to the **Transportation Committee**.

Sens. Klein, Horne, Nodland and Reps. Kasper, Vigesaa introduced:

**SB 2181:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-06.1-31 of the North Dakota Century Code, relating to contracts of reinsurance.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Lyson and Rep. Griffin introduced:

**SB 2182:** A BILL for an Act to amend and reenact section 29-31.1-02 of the North Dakota Century Code, relating to return of seized property.

Was read the first time and referred to the **Judiciary Committee**.

Sens. J. Lee, Andrist, Olafson and Reps. Koppelman, Thoreson, Uglem introduced:

**SB 2183:** A BILL for an Act to amend and reenact sections 15.1-14-11, 15.1-14-12, 15.1-14-21, 15.1-14-22, 15.1-14-31, and 15.1-14-32 of the North Dakota Century Code, relating to the dismissal of school district superintendents, directors of special education districts, and directors of area career and technology centers; and to repeal sections 15.1-14-09, 15.1-14-10, 15.1-14-19, 15.1-14-20, 15.1-14-29, and 15.1-14-30 of the North Dakota Century Code, relating to the dismissal of school district superintendents, directors of special education districts, and directors of area career and technology centers.

Was read the first time and referred to the **Education Committee**.

Sens. Olafson, Krauter and Reps. Belter, D. Johnson, Kaldor, Vigesaa introduced:

**SB 2184:** A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to exclusion of motor vehicle manufacturers' incentives or discounts from motor vehicle excise taxes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Fiebiger, Lyson, Olafson and Reps. DeKrey, Koppelman, Schneider introduced:

**SB 2185:** A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code, relating to requirements of the labor department regarding discriminatory complaints.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Klein, Dotzenrod, Miller and Reps. Brandenburg, Pollert, Weisz introduced:

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases made by a contractor, subcontractor, or builder on behalf of an exempt entity; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Hogue, Nodland and Reps. Bellew, Ruby introduced:

**SB 2187:** A BILL for an Act to create and enact a new section to chapter 34-14 of the North Dakota Century Code, relating to employer's payment of accrued paid time off.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Bakke, G. Lee, Potter and Reps. Griffin, R. Kelsch introduced:

**SB 2188:** A BILL for an Act to amend and reenact subsection 4 of section 39-21-39 of the North Dakota Century Code, relating to window tinting in motor vehicles.

Was read the first time and referred to the **Transportation Committee**.

Sen. Hogue and Reps. DeKrey, Hofstad, Porter, Ruby introduced:

**SB 2189:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to game and fish license fees for residents under eighteen years of age; and to amend and reenact subsections 1 and 3 of section 20.1-03-12 of the North Dakota Century Code, relating to game and fish license fees.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Bakke, Horne, Schneider and Reps. Dahl, DeKrey, Delmore introduced:

**SB 2190:** A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to exemption for schools and churches from bingo excise taxes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Anderson, Cook and Reps. Frantsovog, Kaldor introduced:

**SB 2191:** A BILL for an Act to amend and reenact subsection 23 of section 40-05-02 of the North Dakota Century Code, relating to a city lien on unfit property.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Horne, Lyson, Marcellais and Reps. Amerman, Keiser, Klemin introduced:

**SB 2192:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to Vietnam Veterans' Day.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**Fran A. Gronberg, Secretary**

