

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

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## SEVENTEENTH DAY

Bismarck, January 26, 1983

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

The prayer was offered by Jerry Gordon, President of Oak Grove High School, Fargo.

Lord God, Father and Creator of us all, bless our state and the people in it, the young and old and all in between. Bless their work and contributions that each makes to enhance the quality of life in this state.

Thank You for guiding and leading those who have forged before us and from whom benefits are still accruing to us.

Help us restore our trust in one another, renew our respect for diversity, let us not confuse dissent with disloyalty nor patriotism with partisanship. Renew our confidence in the nobility of dreams. Forgive us for pride in our own righteousness and for believing that you are only on our side. Turn our might to creation and innovation. Make us people of peace and reconciliation.

Especially bless these people, Lord, our legislators and public servants. Give them wisdom, judgment, and discernment. Fill them with Your spirit and grace to understand how the lives of the people of this state depend on their courage, honesty, and integrity, that they are mindful of the needs of each person of this state and faithful in their responsibilities to them.

Finally, Lord, keep us ever mindful that each one of us is a result of Your creation and that all that we do is really being about Your business. Through Jesus Christ, our Lord. Amen.

## ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

## REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixteenth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2076, SB 2100, SB 2104, SB 2140, SB 2217, SB 2221,  
SB 2230, SB 2234, SB 2236, SB 2244, SB 2246, SB 2252,  
SB 2253, SB 2255, SB 2257, SB 2265, SB 2279, SB 2280,  
SB 2290

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HB 1197

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1012

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2148, SB 2196, SB 2256

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2085, SB 2110, SB 2113, SCR 4010

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2085, SB 2110, SB 2113, SCR 4010

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2085, SB 2110, SB 2113, SCR 4010

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1003, HB 1046, HB 1111, HB 1156, HB 1185, HB 1186,  
HB 1273, HB 1274

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1212

Very respectfully,  
CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. VOSPER MOVED that the amendments to SB 2042 as recommended by the Committee on Agriculture as printed on page 332 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2128 as recommended by the Committee on Appropriations as printed on page 332 of the Senate Journal be adopted, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SB 2239 as recommended by the Committee on Agriculture as printed on pages 333-338 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2259 as recommended by the Committee on Judiciary as printed on page 338 of the Senate Journal be adopted, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SB 2260 as recommended by the Committee on Agriculture as printed on page 339 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that SB 2303 be rereferred to the Committee on Judiciary, which motion prevailed.

SEN. CHRISTENSEN MOVED that SB 2305 as recommended by the Committee on Judiciary as printed on page 340 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2334 as recommended by the Committee on State and Federal Government as printed on page 340 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2382 as recommended by the Committee on Industry, Business, and Labor as printed on page 341 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

SEN. GOODMAN MOVED that SB 2315 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

SEN. GOODMAN REQUESTED the unanimous consent of the Senate to withdraw SB 2315. There being no objection, it was so ordered by the President.

SEN. PETERSON MOVED that SB 2453 be returned to the Senate floor from the Committee on Education, which motion prevailed.

SEN. PETERSON MOVED that SB 2453 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. LODOEN MOVED that SB 2486 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. LODOEN MOVED that SB 2486 be rereferred to the Committee on Industry, Business, and Labor, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education to which was referred SB 2077 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2077 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2087 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2087 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2095 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 3, line 22, after the numeral "1983," insert the following language: "except those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users,"
- On page 4, line 6, overstrike the words "The refunds provided under this section from July 1,"
- On page 4, line 7, delete the numerals "1983" and "1985"
- On page 4, line 7, overstrike the words ", through June 30," and ", for all fuels taxed under chapters"
- On page 4, overstrike lines 8 through 10
- On page 4, line 11, overstrike the words "liters] not refunded during the period July 1," and ", through"
- On page 4, line 11, delete the numeral "1983"
- On page 4, line 12, overstrike the words "June 30," and delete the numeral "1985" and overstrike the words ", shall be transferred to township road and bridge"
- On page 4, overstrike lines 13 through 22
- On page 4, line 23, overstrike the words "during the" and "biennium."
- On page 4, line 23, delete the numerals "1983-1985"
- On page 5, line 35, delete the word "six" and overstrike the word "cents" and insert immediately thereafter the words "fifty percent of the tax imposed"
- On page 6, line 1, after the word "liters]" insert the words "on all motor vehicle fuel sold or used in this state"

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

SB 2095 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2189 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, after the word "event" insert the words  
"that more than one-half of the"

And renumber the lines accordingly

SEN. WRIGHT, Chairman  
SB 2189 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2327 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2327 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2336 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2336 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2368 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "in-state"

On page 1, line 14, overstrike the word "outside"

On page 1, line 15, overstrike the words "out-of-state"

On page 1, line 18, overstrike the words "twenty-five dollars per day" and insert immediately thereafter the words "eighty percent of the estimated expenses for the period"

On page 1, line 23, overstrike the words "for out-of-state travel"

On page 1, line 24, overstrike the words "Any state agency" and "advance" and delete the words "shall" and "at the request of"

On page 1, line 25, delete the words "officials or employees" and overstrike the words "funds to be used"

On page 1, line 26, overstrike the words "for payment of meal and lodging"

On page 1, overstrike lines 27 and 28

On page 2, line 1, overstrike the words "that such in-state travel must be" and "planned to"

On page 2, line 2, overstrike the words "be in excess of five days" and delete the words "per month, whether or not"

On page 2, line 3, delete the word "consecutive" and overstrike the words ", and provided that the funds advanced do not"

On page 2, overstrike all of lines 4 through 9

On page 2, line 10, overstrike the numeral "3."

And renumber the lines accordingly

SEN. LODOEN, Chairman

SB 2368 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1099 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1099 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

HB 1069: A BILL for an Act to create and enact a new section to chapter 23-16 and a new section to chapter 50-18 of the North Dakota Century Code to allow residents of long-term care facilities to choose their pharmacist.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1081: A BILL for an Act to require production of oil and gas underlying lands contained in spacing units.

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

HB 1121: A BILL for an Act to create and enact four new sections to chapter 55-08 of the North Dakota Century Code, relating

to enforcement of park and recreation laws; and to provide a penalty.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1167: A BILL for an Act to amend and reenact section 2-05-11 of the North Dakota Century Code, relating to aircraft and ultralight vehicle registration fees, distribution of proceeds; and to provide an effective date.

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

HB 1180: A BILL for an Act to repeal sections 15-21-11, 15-21-12, 15-22-03, 15-22-05, 15-22-19, and 15-38-15 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents; and to declare an emergency.

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

HB 1182: A BILL for an Act to create and enact a new subsection to section 39-06-02 of the North Dakota Century Code, relating to residency for driver's license matters; and to amend and reenact subsection 1 of section 39-06-03.1 and section 39-06-19 of the North Dakota Century Code, relating to the issuance of a nondriver photo identification card at age sixteen and the renewal of drivers' licenses.

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

HB 1190: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to the audit of political subdivisions.

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

HB 1199: A BILL for an Act to amend and reenact section 38-08-09.5 of the North Dakota Century Code, relating to ratification of unit agreements.

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

HB 1220: A BILL for an Act to create and enact two new sections to chapter 55-03 of the North Dakota Century Code, relating to the protection of cultural resources; and to amend and reenact sections 55-03-01, 55-03-02, 55-03-03, 55-03-04, and 55-03-05 of the North Dakota Century Code, relating to the protection of cultural resources.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1254: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assignment of points against motor vehicle operators for speeding



violations; and to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees for speeding violations.

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

HB 1294: A BILL for an Act to amend and reenact section 43-07-12 of the North Dakota Century Code, relating to bids on contracts for public projects.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging the President and Congress of the United States to stop the use of American funds for the payment of obligations owed by foreign governments.

Was read the first time and referred to the Committee on Agriculture.

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1212

LEO LEIDHOLM, Secretary

#### MOTION

SEN. LODOEN MOVED that SB 2360 be placed behind SB 2361 on the Eleventh order of business, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2148: A BILL for an Act to create and enact a new subsection to section 32-12.1-03 of the North Dakota Century Code, relating to the time to commence an action against a political subdivision and its employees and officials.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2148 passed and the title was agreed to.

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SB 2196: A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of a passenger motor vehicle; to amend and reenact sections 39-04-06, 39-04-10.1, and 39-04-37 of the North Dakota Century Code, relating to the rescission or suspension of registration, the manufacturer's plate, and registration violations.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2196 passed and the title was agreed to.

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SB 2256: A BILL for an Act to amend and reenact subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to bond issues by counties for construction or maintenance of highways; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grothberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2256 passed, the title was agreed to, and the emergency clause carried.

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SB 2261: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and 57-15-27 of the North Dakota Century Code, relating to state support for public elementary and secondary education and interim funds of school districts.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 16 YEAS, 37 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dykshoorn; Fritzell; Goodman; Holmberg; Kilander; Lashkowitz; Lips; Lodoen; Nething; Olson; Peterson; Satrom; Stenehjelm; Thane; Tweten; Wenstrom

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Erickson; Grothberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lee; Leibhan; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Parker; Redlin; Reiten; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2261 was declared lost.

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SB 2361: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expenses of members of the legislative assembly; to suspend section 54-03-20.1 of the North Dakota Century

Code, relating to compensation for attending legislators; providing an expiration date; and to declare an emergency.

Which has been read.

#### MOTIONS

SEN. STREIBEL MOVED that SB 2361 be amended as follows:

On page 1, line 15, delete the word "ninety" and insert in lieu thereof the word "eighty"

On page 1, line 18, delete the word "forty" and insert in lieu thereof the word "thirty"

And renumber the lines accordingly

SEN. STREIBEL MOVED that the proposed amendments be adopted.

SEN. STREIBEL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2361 which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2361, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Dykshoorn; Erickson; Heigaard; Kusler; Lee; Leibhan; Moore; Mutch; Naaden; Parker; Streibel; Tennefos; Thane; Tweten; Vosper; Waldera; Walsh

NAYS: Barth; Berube; Christensen; Fritzell; Goodman; Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Todd; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2361 lost.

#### ROLL CALL

The question being on the final passage of SB 2361, the roll was called and there were 40 YEAS, 13 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; David; Heigaard; Lashkowitz; Lee; Leibhan; Moore; Mutch; Naaden; Streibel; Tennefos; Walsh

ABSENT AND NOT VOTING: None

SB 2361 passed, the title was agreed to, and the emergency clause carried.

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SB 2360: A BILL for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, to provide for a legislative compensation commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Moore; Mutch

ABSENT AND NOT VOTING: Tennefos

SB 2360 passed and the title was agreed to.

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SB 2392: A BILL for an Act to provide for a North Dakota day and to establish a North Dakota day commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Streibel;

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Stromme; Todd; Waldera; Walsh; Wenstrom; Wogsland;  
Wright

NAYS: Adams; David; Fritzell; Moore; Mutch; Naaden;  
Nelson; Stenehjelm; Tennefos; Thane; Tweten; Vosper

ABSENT AND NOT VOTING: Tallackson

SB 2392 passed and the title was agreed to.

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SB 2408: A BILL for an Act to amend and reenact sections 48-02-02, 48-02-03, 48-02-19, 54-21-27, 54-21.2-03, 54-21.3-02, and 54-21.3-03 of the North Dakota Century Code, relating to elimination of the office and duties of the state construction superintendent; and to repeal sections 54-21-17 and 54-21.3-06 of the North Dakota Century Code, relating to the office and duties of the state construction superintendent.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Lips; Tennefos

ABSENT AND NOT VOTING: Tallackson

SB 2408 passed and the title was agreed to.

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## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4007: A concurrent resolution directing the Legislative Council to study the feasibility of combining the Department of Labor, Job Service North Dakota, the North Dakota Workmen's Compensation Bureau, and other state agencies whose primary responsibilities are related to labor and employment services.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4007 was declared adopted on a voice vote.

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SCR 4009: A concurrent resolution urging the Congress of the United States to reestablish May 30 as Memorial Day.

Which has been read.

#### MOTIONS

SEN. DYKSHOORN MOVED that SCR 4009 be amended as follows:

On page 1, line 13, delete the word "county" and insert in lieu thereof the word "country"

SEN. DYKSHOORN MOVED that the proposed amendment be adopted, which motion prevailed.

SEN. DYKSHOORN MOVED that the rules be suspended, that SCR 4009 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SCR 4009: A concurrent resolution urging the Congress of the United States to reestablish May 30 as Memorial Day.

The question being on the final adoption of the resolution as amended.

SCR 4009 was declared adopted on a voice vote.

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SCR 4013: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4013 was declared adopted on a voice vote.

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SCR 4014: A concurrent resolution expressing the support of the Forty-eighth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4014 was declared adopted on a voice vote.

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SCR 4015: A concurrent resolution urging Congress to recognize the President's federalism reform goal of returning responsibilities to states and localities and to stop federal preemption of state laws on the use of eminent domain power.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4015 was declared adopted on a voice vote.

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#### MOTION

SEN. KUSLER MOVED that SB 2412 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

#### REQUEST

SEN. KUSLER REQUESTED the unanimous consent of the Senate to withdraw SB 2412. There being no objection, it was so ordered by the President.

#### MOTION

SEN. NOTHING MOVED that after the reading of SB 2042, SB 2077, SB 2087, SB 2128, SB 2239, SB 2259, SB 2260, SB 2305, SB 2327, SB 2334, SB 2336, SB 2382, and HB 1099, the Senate adjourn and convene at 1:00 p.m., Thursday, January 27, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary