

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 648

### SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Council)

(Advisory Commission on Intergovernmental Relations)

### PUBLIC CHARITY PROPERTY TAX EXEMPTION STUDY

A concurrent resolution directing the Legislative Council to study the property tax exemption for institutions of public charity providing a combination of health and housing services.

**WHEREAS**, institutions of public charity provide invaluable services to residents of this state; and

**WHEREAS**, the Constitution of North Dakota provides that property used exclusively for charitable purposes is exempt from taxation; and

**WHEREAS**, although numerous statutes provide property tax exemptions for property of institutions of public charity, the amount of property owned by charities and the nature and activities of charities have changed substantially since many of these statutes were enacted; and

**WHEREAS**, there is uncertainty regarding the appropriate interpretation of the statutory term "institutions of public charity" and whether charities should be subject to full or partial assessment of property taxes for the value of certain services provided for their benefit; and

**WHEREAS**, uniformity may be lacking in application of the property tax exemption for institutions of public charity providing a combination of health and housing services;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the property tax exemption for institutions of public charity providing a combination of health and housing services; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

## CHAPTER 649

### SENATE CONCURRENT RESOLUTION NO. 4002

(Legislative Council)  
(Budget Section)

#### BLOCK GRANT HEARINGS

A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

**WHEREAS**, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981, creating the community services block grant program; and

**WHEREAS**, the Legislative Assembly is required to conduct public hearings; and

**WHEREAS**, the Appropriations Committees have met the public hearing requirement for community services block grant moneys expected for the next biennium by the Office of Management and Budget; and

**WHEREAS**, the Fifty-seventh Legislative Assembly cannot hold public hearings on revisions to current block grants or additional block grants that may be approved by Congress after the recess or adjournment of the Legislative Assembly; and

**WHEREAS**, the Legislative Assembly will not meet in regular session during 2002 and thus its public hearing responsibility for grants not approved by the Fifty-seventh Legislative Assembly must be delegated to a legislative entity;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Office of Management and Budget appropriations bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grant moneys for the period ending September 30, 2003; and

**BE IT FURTHER RESOLVED**, that the Budget Section of the Legislative Council may hold the public legislative hearings required for the receipt of additional block grant or other federal moneys under the Omnibus Budget Reconciliation Act of 1981 or other relevant federal statutes; and

**BE IT FURTHER RESOLVED**, that the authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-seventh Legislative Assembly through September 30, 2003, and the Budget Section may provide public notice and hold the hearings authorized by this resolution using the methods and procedures it deems appropriate.

**CHAPTER 650****SENATE CONCURRENT RESOLUTION NO. 4003**

(Legislative Council)  
(Taxation Committee)

**CAPITAL GAINS AND ESTATE TAX ELIMINATION  
URGED**

A concurrent resolution urging Congress to reduce or eliminate the impediment of capital gains and estate taxes on passage of property to succeeding generations.

**WHEREAS**, accumulation of value in property is the result of individuals' decisions to devote their lifetimes of hard work and sacrifice in the hope that stewardship of the property can be passed to the next generation; and

**WHEREAS**, the family farm tradition is threatened by many potentially catastrophic events, among the cruelest of which is that passage of the family farm legacy from one generation to another may be prohibited by imposition of capital gains or estate taxes; and

**WHEREAS**, the reality of family farming is that capital gains and estate taxes often require liquidation of family farm property and put families out of the farming business; and

**WHEREAS**, the loss of family farms in the United States has reached levels that should be distressing to Congress as these losses may be irreplaceable; and

**WHEREAS**, Congress has recognized the erosion of the family farming tradition caused by capital gains and estate taxes and attempted to provide relief in 1999 legislation that was vetoed for other reasons;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to reduce or eliminate the impediment of capital gains and estate taxes on passage of property to succeeding generations; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the chairman of the United States House of Representatives Ways and Means Committee, the chairman of the United States Senate Finance Committee, and to each member of the North Dakota Congressional Delegation.

Filed April 2, 2001

**CHAPTER 651****SENATE CONCURRENT RESOLUTION NO. 4004**

(Legislative Council)  
(Taxation Committee)

**FARM RETIREMENT INVESTMENT WITHDRAWAL  
ALLOWANCE URGED**

A concurrent resolution urging Congress to provide a greater opportunity for farmers to participate in retirement investments by allowing withdrawals without penalty when necessary to support family farming operations.

**WHEREAS**, Congress has recognized the public interest in encouraging private retirement savings and has provided income tax incentives for several types of retirement investments; and

**WHEREAS**, individual retirement accounts and similar retirement investments are not feasible for farmers due to early withdrawal penalties, which farmers recognize as a risk because of the likelihood that savings may have to be drawn upon to support the family farming operations in lean years; and

**WHEREAS**, to a much greater extent than is true for other occupations and professions, income of farmers is subject to influences beyond the control of the participants, and this lack of control over financial outcomes merits special consideration in the establishment of policies regarding retirement saving; and

**WHEREAS**, permitting farmers to withdraw funds from individual retirement accounts without penalty for legitimate needs of family farming operations would help to stabilize the economies of rural communities;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to provide a greater opportunity for farmers to participate in retirement investments by allowing withdrawals without penalty when necessary to support family farming operations; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the chairman of the United States House of Representatives Ways and Means Committee, the chairman of the United States Senate Finance Committee, and to each member of the North Dakota Congressional Delegation.

Filed April 2, 2001

**CHAPTER 652****SENATE CONCURRENT RESOLUTION NO. 4005**

(Legislative Council)  
(Taxation Committee)

**CAPITAL GAIN ON INFLATED FARM PROPERTY  
ELIMINATION URGED**

A concurrent resolution urging Congress to reduce or eliminate capital gains taxes on inflationary valuation increases of farm and ranch property.

**WHEREAS**, although the objective of the capital gains tax is to tax income from investments, for many Americans the tax can be one hundred percent or more of any real increase in value of property because capital gains are not discounted for inflation; and

**WHEREAS**, Congress has already recognized the unfairness of taxing inflationary increases as income by providing for indexing of income tax rate brackets, standard deductions, personal exemptions, and the earned income credit; and

**WHEREAS**, the unfairness of taxing inflationary valuation increases can be devastating to owners of property held for a long period of time, such as family farm and ranch property, for which a valuation increase may be almost entirely attributable to inflation, with little or no real gain in value relative to the rest of the American economy; and

**WHEREAS**, imposition of capital gains taxes on inflationary valuation increases for farm and ranch property serves as an impediment to retirement for farmers and ranchers, further inflates the value of farm and ranch property, and makes acquisition of property much more difficult for the next generation of farmers and ranchers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to reduce or eliminate capital gains taxes on inflationary valuation increases of farm and ranch property; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the chairman of the United States House of Representatives Ways and Means Committee, the chairman of the United States Senate Finance Committee, and to each member of the North Dakota Congressional Delegation.

Filed April 2, 2001

**CHAPTER 653****SENATE CONCURRENT RESOLUTION NO. 4006**

(Legislative Council)  
(Taxation Committee)

**FARRM ACCOUNT LEGISLATION URGED**

A concurrent resolution urging Congress to enact legislation to allow farm and ranch risk management (FARRM) accounts and to consider limiting the size of the accounts rather than the time funds may be held in the accounts.

**WHEREAS**, FARRM accounts would allow farmers and ranchers to set aside income in tax-deferred accounts to be drawn upon as taxable income when needed in years of lower income; and

**WHEREAS**, FARRM accounts would provide a financial management tool for farmers and ranchers to encourage saving, reduce financial risks, stabilize farm income levels in years of bad weather or low commodity prices, and equalize income tax receipts of government from agricultural producers; and

**WHEREAS**, Congress is considering FARRM accounts legislation with a five-year limit of time funds could be held and it may be more appropriate to limit the amount in these accounts, rather than the time funds may be held, so these accounts could be used for retirement planning and other longer-range benefits;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to enact legislation to allow farm and ranch risk management (FARRM) accounts and to consider limiting the size of the accounts rather than the time funds may be held in the accounts; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the chairman of the United States House of Representatives Ways and Means Committee, the chairman of the United States Senate Finance Committee, and to each member of the North Dakota Congressional Delegation.

Filed April 6, 2001

**CHAPTER 654****SENATE CONCURRENT RESOLUTION NO. 4007**

(Senators Stenehjem, Christenson, Cook, Mutch, O'Connell)  
(Representative R. Kelsch)

**LEGISLATIVE EMPLOYEE COMPENSATION**

A concurrent resolution designating Senate and House employment positions and fixing compensation.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That for the Fifty-seventh Legislative Assembly, the following positions are designated as employee positions of the Senate and House and are to be paid the wages indicated:

SENATE	
Secretary of the Senate	\$109.00
Assistant secretary of the Senate	95.00
Journal reporter	106.00
Calendar clerk	95.00
Bill clerk	90.00
Sergeant-at-arms	84.00
Administrative assistant to majority leader	99.00
Staff assistant to majority leader	84.00
Administrative assistant to minority leader	99.00
Staff assistant to minority leader	84.00
Chief committee clerk	99.00
Appropriations Committee clerk	99.00
Assistant Appropriations Committee clerk	95.00
Committee clerk for three-day committee	95.00
Committee clerk for two-day committee	88.00
Assistant committee clerk	78.00
Deputy sergeant-at-arms	69.00
Chief page and bill book clerk	77.00
Legislative assistant	65.00
HOUSE	
Chief Clerk	\$109.00
Assistant chief clerk	95.00
Desk reporter	106.00
Calendar clerk	95.00
Bill clerk	90.00
Sergeant-at-arms	84.00
Administrative assistant to majority leader	99.00
Staff assistant to majority leader	84.00
Administrative assistant to minority leader	99.00
Staff assistant to minority leader	84.00
Administrative assistant to Speaker	84.00
Chief committee clerk	99.00
Appropriations Committee clerk	99.00
Assistant Appropriations Committee clerk	95.00
Committee clerk for three-day committee	95.00

Committee clerk for two-day committee	88.00
Assistant committee clerk	78.00
Payroll clerk	80.00
Deputy sergeant-at-arms	69.00
Chief page and bill book clerk	77.00
Telephone attendant	67.00
Legislative assistant	65.00

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-seventh Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

**BE IT FURTHER RESOLVED**, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

**BE IT FURTHER RESOLVED**, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay; and

**BE IT FURTHER RESOLVED**, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

Filed January 18, 2001



**CHAPTER 655****SENATE CONCURRENT RESOLUTION NO. 4008**

(Senators Klein, Cook, Tomac)  
(Representatives Berg, Wald)

**QWEST INTERSTATE TELECOMMUNICATIONS  
SERVICE AUTHORIZATION URGED**

A concurrent resolution urging the Public Service Commission, Qwest Corporation, and the Federal Communications Commission to proceed as quickly as possible with the process of allowing Qwest Corporation to provide interstate telecommunications services.

**WHEREAS**, the Federal Telecommunications Act of 1996 was approved by Congress to promote competition in all segments of the telecommunications market; and

**WHEREAS**, competition in the telecommunications industry is expected to increase the advancement of new telecommunications technologies and systems in the state and to improve services for customers; and

**WHEREAS**, Section 271 of the Federal Telecommunications Act of 1996 specifically sets forth the tests for determining whether Qwest Corporation's local exchange markets are open to competitors; and

**WHEREAS**, Section 271 promises to allow Qwest Corporation to provide interstate services to customers in its local service areas once the tests for opened local markets are satisfied; and

**WHEREAS**, Qwest Corporation is able to provide high-speed data services in any country and in 36 states of the Union, but not from and to North Dakota; and

**WHEREAS**, Section 271 approval must be granted by the Federal Communications Commission in consultation with the Public Service Commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Public Service Commission move the Section 271 process forward as quickly as possible; and

**BE IT FURTHER RESOLVED**, that Qwest Corporation take all possible action to meet the requirements of Section 271 and submit an application for approval to the Federal Communications Commission; and

**BE IT FURTHER RESOLVED**, that the Fifty-seventh Legislative Assembly urges the Federal Communications Commission to move the Section 271 process forward as quickly as possible; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to each member of the Public Service Commission, the chief executive officer of Qwest Corporation, each member of the Federal Communications Commission, and to each member of the North Dakota Congressional Delegation.

Filed March 9, 2001

**CHAPTER 656****SENATE CONCURRENT RESOLUTION NO. 4009**

(Senators Heitkamp, Nichols)  
(Representatives Solberg, Warner)

**STATES TO GOVERN ACTIVITIES ON GRASSLANDS  
LEGISLATION URGED**

A concurrent resolution urging the President and Congress to allow the states to govern and determine the conditions under which travel and other activities may be conducted on the national grasslands.

**WHEREAS**, the national grasslands comprise nearly 4,000,000 acres of publicly owned lands and are administered by the United States Forest Service; and

**WHEREAS**, the United States Forest Service is the largest land management entity in North Dakota and administers three national grasslands in the state, the Little Missouri National Grassland, the Sheyenne National Grassland, and the Cedar River National Grassland; and

**WHEREAS**, the national grasslands in the state total 1,105,000 acres, which is forty-six percent of all federal land in North Dakota and two percent of the land area of the entire state; and

**WHEREAS**, some leading environmental and animal rights organizations have blatantly misled many American people about the effects of travel and other activities on national grasslands; and

**WHEREAS**, because of the importance of these lands to the state and because the state is in the best position to govern these lands and determine the rules under which travel and other activities should be permitted on the national grasslands;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the President and the Congress of the United States to allow the states to govern and determine the conditions under which travel and other activities may be conducted on the national grasslands; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Agriculture, the chief of the United States Forest Service, the supervisor of the Dakota Prairie Grasslands office, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2001

**CHAPTER 657****SENATE CONCURRENT RESOLUTION NO. 4011**

(Senators Cook, Christenson, Lee)  
(Representatives Boehm, Porter)

**LIBRARY SERVICES DELIVERY STUDY**

A concurrent resolution directing the Legislative Council to study the library system in North Dakota to determine the most efficient and effective methods for delivery of library services.

**WHEREAS**, the education of children and the continuing education of adults depends on the quality of the libraries and the materials available to them; and

**WHEREAS**, the library systems have developed over the years and should be reviewed to determine if improvements and efficiencies can be achieved; and

**WHEREAS**, technological advances on a statewide, national, and international level are redefining both the scope of and access to libraries and library materials;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the library system in North Dakota to determine the most efficient and effective methods for delivery of library services; and

**BE IT FURTHER RESOLVED**, that the study include a review of the use of technology by libraries, the location of each library in the state, and the opportunity for improving library services through the use of technology; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 26, 2001

## CHAPTER 658

### SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Solberg, Bercier, Klein)  
(Representatives Boucher, Lemieux, Nelson)

### HYDROELECTRIC TRANSMISSION FACILITY APPROVAL

A concurrent resolution approving the location, construction, and operation of a hydroelectric transmission facility from Rugby to the Canadian border.

**WHEREAS**, Otter Tail Power Company and Xcel Energy Inc., public utilities doing business in this state, have proposed the construction of a 230-kilovolt transmission facility from Rugby to the Canadian border; and

**WHEREAS**, at the Canadian border the facility will connect with a facility originating at Glenboro, Manitoba, being constructed by Manitoba Hydro, a Canadian public utility; and

**WHEREAS**, North Dakota Century Code Section 49-22-09.1 requires that the Legislative Assembly approve the facility by concurrent resolution; and

**WHEREAS**, the facility will provide an incremental 200 megawatts of transfer capability between Manitoba and the United States, a significant reliability of load-serving reinforcement in north central North Dakota, an opportunity for North Dakota power plants to increase production, and geographic diversity in line-routing ties between the United States and Canada; and

**WHEREAS**, it is the policy of this state to route transmission facilities in an orderly manner compatible with environmental preservation and the efficient use of resources, and that routes be chosen that minimize adverse human environmental impact while ensuring continued system reliability and integrity and ensuring that the energy needs of this state are met in an orderly and timely fashion; and

**WHEREAS**, the Public Service Commission has found that the location, construction, and operation of the facility will produce minimal adverse effects on the environment and upon the welfare of the citizens of this state and, accordingly, has issued a certificate of corridor compatibility and a route permit for the facility;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly finds that the facility has met the requirements of the North Dakota Energy Conversion and Transmission Siting Act contained in Chapter 49-22 and the Legislative Assembly approves the location, construction, and operation of a hydroelectric transmission facility from Rugby to the Canadian border.

Filed March 26, 2001

**CHAPTER 659****SENATE CONCURRENT RESOLUTION NO. 4014**

(Senators Krauter, G. Nelson, Robinson)  
(Representatives Boucher, Niemeier, Sandvig)

**ADOPTION LAW STUDY**

A concurrent resolution directing the Legislative Council to study the adoption laws of this state and other states.

**WHEREAS**, adoption is the process by which a legal parent-child relationship is created between individuals who are not biologically parent and child; and

**WHEREAS**, adoption law is established and governed in large part by the states; and

**WHEREAS**, all 50 states have statutes governing adoption; and

**WHEREAS**, North Dakota adoption law provides for notice requirements, waiting periods, and residency requirements that are different from the provisions of adoption laws in neighboring states; and

**WHEREAS**, to ensure placement of children in need of homes with families, it is important that the adoption process supports the needs of all individuals involved and that the process is as efficient and cost-effective as possible;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the adoption laws of this state and other states; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

## CHAPTER 660

### SENATE CONCURRENT RESOLUTION NO. 4015

(Senators Bowman, Andrist, Lyson)  
(Representatives Drovdal, Wald, Weiler)

#### NATIONAL ENERGY POLICY URGED

A concurrent resolution urging the President and the Congress of the United States to develop a national energy policy for our nation that allows responsible access to public land and to implement laws and regulations that promote the multiple use concept on public lands across our state and nation allowing all users to benefit from the public lands.

**WHEREAS**, public lands in North Dakota are extremely important to the people of this state and throughout the history of this state have been primarily managed under the multiple use management concept; and

**WHEREAS**, farming and ranching are important aspects of the economy of North Dakota and a comprehensive, well-managed road system is important for the effective management of ranch operations and to ensure the safety and well-being of people who live and work in the national grasslands; and

**WHEREAS**, the state's law governing section lines and the county's ownership interest in minerals, roads, rights of way, and easements are legal rights that require protection and consideration in determining the management and use of the national grasslands; and

**WHEREAS**, the oil and gas industry in North Dakota has explored on and drilled in the national grasslands for the past 50 years and restored over 500 wells, and 480 miles of roads representing more than 5,500 acres have been returned to vegetation after the oil and gas resources were depleted, enabling the state to benefit from a valuable natural resource; and

**WHEREAS**, the nation is on the verge of an energy crisis with 67 percent of our oil reserves lying under federal lands while access to those lands has been decreased by 60 percent during the past 10 years; and

**WHEREAS**, the roadless plan for the national grasslands will have a continued adverse impact on the counties and states where the national grasslands and the national forests are located;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the President and the Congress of the United States to develop a national energy policy for our nation that allows responsible access to public land and to implement laws and regulations that promote the multiple use concept on public lands across our state and nation allowing all users to benefit from the public lands; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of Agriculture, Secretary of the Interior, the Chief of the United States Forest Service, the supervisor of the Dakota Prairie Grasslands office, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2001



**CHAPTER 661****SENATE CONCURRENT RESOLUTION NO. 4016**

(Senators Tallackson, Kringstad)  
(Representatives Carlisle, Keiser, Klemin)

**2002 FORD WORLD CURLING CHAMPIONSHIPS  
SALUTED**

A concurrent resolution to salute the 2002 Ford World Curling Championships to be held in Bismarck and to declare April 2002 as World Curling Month in North Dakota.

**WHEREAS**, the 2002 Ford World Curling Championships will be held in Bismarck, North Dakota, from April 6 to April 14, 2002; and

**WHEREAS**, the sport of curling enjoys a rich heritage and has been played by North Dakotans for over 100 years; and

**WHEREAS**, the championships will bring thousands of curling fans from around the world to North Dakota; and

**WHEREAS**, the championships are expected to result in at least 67 hours of live nationwide television coverage in Canada; and

**WHEREAS**, the championships will give Bismarck-Mandan and North Dakota an opportunity to showcase the facilities, attractions, rich history, culture, and friendly people that we have to offer national and international visitors;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That April 2002 be declared World Curling Month in North Dakota and that the state, its cities, its business community, and its citizens be encouraged to prepare to welcome curlers and spectators from around the world, to help them Discover the Spirit of North Dakota, and to use the event to promote our state and all that it has to offer; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, the director of the Tourism Department, the North Dakota Curling Association, the United States Curling Association, and the World Curling Federation.

Filed March 26, 2001

**CHAPTER 662****SENATE CONCURRENT RESOLUTION NO. 4017**

(Senators G. Nelson, Lyson, C. Nelson)  
(Representatives Carlisle, DeKrey, Mahoney)

**LAW ENFORCEMENT AND CORRECTIONAL OFFICER  
RETIREMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a retirement program for all law enforcement and correctional officers within the state of North Dakota which provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1.

**WHEREAS**, recruiting and retaining quality law enforcement and correctional officers within the state of North Dakota is integral to maintaining the safety and quality of life of all North Dakota residents; and

**WHEREAS**, the nature of the work performed by law enforcement and correctional officers takes a physical toll on those officers which exceeds that experienced by workers in the vast majority of occupations and necessitates that law enforcement and correctional officers leave their employment at a younger age than from most occupations; and

**WHEREAS**, other than for members of the Highway Patrolmen's retirement system, a retirement program does not exist that is uniform across the state which allows law enforcement and correctional officers to retire at an age at which they might enjoy their retirement prior to experiencing the physical effects of their work as law enforcement and correctional officers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the feasibility and desirability of implementing a retirement program for all law enforcement and correctional officers within the state of North Dakota that provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 26, 2001

## CHAPTER 663

### SENATE CONCURRENT RESOLUTION NO. 4018

(Senators G. Nelson, Lyson, C. Nelson)  
(Representatives Carlisle, DeKrey, Mahoney)

#### COMMITMENT PROCEDURES STUDY

A concurrent resolution directing the Legislative Council to study the commitment procedures contained in North Dakota Century Code Chapter 25-03.1 and the commitment laws from other states to determine if North Dakota law sufficiently addresses the treatment needs of controlled substance abusers in this state, to study the mandatory minimum sentence requirements of North Dakota Century Code Chapter 19-03.1 and the mandatory minimum sentencing laws from other states and the federal government relating to drug offenders, and to study the need for legislation to assist in the cooperative efforts of state, local, and federal agencies to combat unlawful drug use and abuse in this state.

**WHEREAS**, concerns exist with the escalation of methamphetamine and other controlled substance use and the adequacy of the commitment laws to deal with this problem; and

**WHEREAS**, questions exist regarding the effectiveness of the mandatory minimum sentencing requirements for controlled substance violations and whether amendments to those laws would assist in combating illegal drug trafficking and usage in this state; and

**WHEREAS**, it is vitally important that the issues relating to unlawful drug trafficking and usage in this state be addressed by a cooperative effort among state and local agencies, private businesses, schools, families, and all other groups and individuals dedicated to the reduction and the elimination of unlawful drug use in this state;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the commitment procedures of North Dakota Century Code Chapter 25-03.1 and the commitment laws from other states to determine if North Dakota law sufficiently addresses the treatment needs of controlled substance abusers in this state, study the mandatory minimum sentence requirements of North Dakota Century Code Chapter 19-03.1 and the mandatory minimum sentencing laws from other states and the federal government relating to drug offenders, and study the need for legislation to assist in the cooperative efforts of state, local, and federal agencies to combat unlawful drug use and abuse in this state; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 21, 2001

## CHAPTER 664

### SENATE CONCURRENT RESOLUTION NO. 4019

(Senators G. Nelson, Krebsbach, D. Mathern)  
(Representatives Carlson, Delmore, Disrud)

#### MEDICAL AND PRIVACY LAWS STUDY

A concurrent resolution directing the Legislative Council to study medical and financial privacy laws in this state, the effectiveness of medical and financial privacy laws in other states, the interaction of federal and state medical and financial privacy laws, and whether current medical and financial privacy protections meet the reasonable expectations of the citizens of North Dakota.

**WHEREAS**, the advancement of technologies such as computers and the internet have greatly increased the flow of information; and

**WHEREAS**, the quantity of medical and financial information of an individual that is compiled and maintained by various sources is continuing to increase; and

**WHEREAS**, every individual in this state has a reasonable expectation of privacy in certain medical and financial information; and

**WHEREAS**, current medical and financial privacy protections may not meet the reasonable expectations of the citizens of North Dakota; and

**WHEREAS**, national associations of public officials have compiled useful information on medical and financial privacy; and

**WHEREAS**, the flow of information across state lines requires coordination of federal and state privacy protections; and

**WHEREAS**, a number of bills are introduced each legislative session that address specific areas of medical or financial privacy;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study medical, financial, and related privacy laws in this state, the effectiveness of medical and financial privacy laws in other states, the interaction of federal and state medical and financial privacy laws, and whether current medical and financial privacy protections meet the reasonable expectations of the citizens of North Dakota; and

**BE IT FURTHER RESOLVED**, that due to the complexity and importance of this study, the Legislative Council form a special committee to perform the study; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

**CHAPTER 665****SENATE CONCURRENT RESOLUTION NO. 4020**

(Senators O'Connell, Lyson, Robinson)  
(Representatives Nelson, B. Thoreson, Wikenheiser)

**STATE EMPLOYEE COMPENSATION AND BENEFITS  
STUDY**

A concurrent resolution directing the Legislative Council to study state employee compensation and benefit levels.

**WHEREAS**, some state employees may be receiving salaries that are below salaries received by other public employees and by employees in the private sector; and

**WHEREAS**, recent state employee pay raises approved by the Legislative Assembly may not have been administered so as to provide all employees with salaries that reflect increases in the cost of living; and

**WHEREAS**, the Governor's budget presented to the Fifty-seventh Legislative Assembly addresses state employee compensation and benefits;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study state employee compensation and benefit levels; and

**BE IT FURTHER RESOLVED**, that the study include a comparison with the public employees' salaries and benefits in surrounding states and the private sector in North Dakota, an analysis of regional salaries and benefits, and an analysis of the number of state employees, if any, receiving public assistance; and

**BE IT FURTHER RESOLVED**, that the Legislative Council work with the state employee compensation commission in conducting this study; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 16, 2001

**CHAPTER 666****SENATE CONCURRENT RESOLUTION NO. 4022**

(Senator Kilzer)

**CONGESTIVE HEART FAILURE GUIDELINES  
TRANSMISSION URGED**

A concurrent resolution urging the State Health Officer to transmit the treatment guidelines for congestive heart failure published by the Heart Failure Society of America, Inc., to appropriate health care professionals and to urge the adoption of these guidelines in the professionals' practices.

**WHEREAS**, congestive heart failure is a major health problem impacting 5,000,000 Americans; and

**WHEREAS**, each year there are 550,000 new cases of congestive heart failure diagnoses, 200,000 deaths due to the disease, and 1,000,000 hospitalizations due to the disease, with the vast majority of patients not diagnosed until late in the course of the disease; and

**WHEREAS**, a conservative estimate of annual health expenditures in this country for congestive heart failure is in excess of \$10,000,000,000, with the majority of this money being expended for the cost of hospitalizations; and

**WHEREAS**, although current treatment guidelines recommend that approximately 80 percent of heart failure patients receive ACE inhibitors in combination with beta blockers to extend life and reduce costly hospitalizations, only 45 percent of patients are actually treated with ACE inhibitors and 20 percent of patients actually receive beta blockers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the State Health Officer to transmit the treatment guidelines for congestive heart failure published by the Heart Failure Society of America, Inc., to appropriate health care professionals and to urge the adoption of these guidelines in the professionals' practices; and

**BE IT FURTHER RESOLVED**, that the Fifty-seventh Legislative Assembly urges physicians and payers to prescribe or provide reimbursement for the standard of care for congestive heart failure, including Federal Drug Administration-approved beta blockers and ACE inhibitors as well as other therapies that have been shown to reduce the mortality and morbidity associated with congestive heart failure; and

**BE IT FURTHER RESOLVED**, that the Fifty-seventh Legislative Assembly endorses the inclusion of the latest treatment advances for congestive heart failure, including ACE inhibitor and beta blocker therapies in the curriculum of medical schools; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the State Health Officer, the North Dakota Medical Association, the North Dakota Health Care Association, North Dakota Long Term Care Association, and Blue Cross Blue Shield of North Dakota.

Filed April 2, 2001

## CHAPTER 667

### SENATE CONCURRENT RESOLUTION NO. 4023

(Senators Christmann, Bowman, Solberg, Wanzek)  
(Representatives Boehm, Nelson)

### GRAIN AND MEATPACKING ANTICOMPETITIVE CONDITIONS MONITORING URGED

A concurrent resolution urging Congress to monitor the anticompetitive conditions in the grain and meatpacking industries and to take whatever action necessary to ensure that the consequences of such anticompetitive conditions do not further harm producers and consumers.

**WHEREAS**, grain industry consolidations, such as that involving Cargill, Incorporated, and Continental Grain Company, have left a single entity controlling more than 40 percent of all United States corn exports, 33 percent of all soybean exports, and at least 20 percent of all wheat exports; and

**WHEREAS**, meat industry mergers have left the three largest meatpackers, IBP, Cargill's Excel Corporation, and ConAgra's Monfort, controlling almost 80 percent of the cattle slaughter market; and

**WHEREAS**, IBP, which has over \$14 billion in annual sales, is now set to merge with Tyson Foods, Incorporated; and

**WHEREAS**, after the proposed merger, Tyson Foods, Incorporated, will have annual sales in excess of \$23 billion; and

**WHEREAS**, the proposed merger of Tyson Foods, Incorporated, and IBP will create a company that has a major global presence with unparalleled ability to develop innovative food products and market them successfully through international distribution channels; and

**WHEREAS**, consolidation in the meatpacking and grain industries allows for a reduction in prices paid to producers and an increase in the prices required of consumers; and

**WHEREAS**, consolidation in the meatpacking and grain industries leads to extensive scale economies and the replacement of small high-cost operations with larger and more efficient ones; and

**WHEREAS**, all producers and consumers need to understand the effects that anticompetitive practices have on their lives;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to monitor the anticompetitive conditions in the grain and meatpacking industries and to take whatever action necessary to ensure that the consequences of such anticompetitive conditions do not further harm producers and consumers; and



**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the chairman of the Senate Agriculture Committee, the chairman of the House Agriculture Committee, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2001

**CHAPTER 668****SENATE CONCURRENT RESOLUTION NO. 4024**

(Senators Mutch, Krebsbach, T. Mathern)  
(Representatives Berg, Thorpe)

**DISABILITY AND SUPPLEMENTAL SECURITY  
INSURANCE OFFSET ELIMINATION URGED**

A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

**WHEREAS**, employees who are injured and dependents of employees who are killed in the course of working for North Dakota employers receive workers' compensation benefits; and

**WHEREAS**, more than 700 employees or dependents who receive workers' compensation benefits also qualify for Social Security disability insurance benefits if the employees are totally disabled and supplemental security insurance benefits based on financial need; and

**WHEREAS**, federal law [42 U.S.C. 424a] provides for a reduction in Social Security disability insurance benefits to those persons who are totally disabled and who receive workers' compensation benefits; and

**WHEREAS**, federal law [42 U.S.C. 1382a] provides for a reduction in supplemental security insurance benefits to those persons who receive workers' compensation benefits notwithstanding the financial need of those people and their families;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Commissioner of the Social Security Administration and to each member of the North Dakota Congressional Delegation.

Filed April 2, 2001

**CHAPTER 669****SENATE CONCURRENT RESOLUTION NO. 4025**

(Senators Krauter, Heitkamp, Tallackson)  
(Representatives Fairfield, Gulleson, Lemieux)

**CUBAN EMBARGO LIFTING URGED**

A concurrent resolution urging Congress to pass legislation that will lift the embargo on trade with Cuba.

**WHEREAS**, in response to the communist revolution in Cuba, the United States imposed economic sanctions on Cuba in 1962; and

**WHEREAS**, although Congress has taken steps to ease the embargo on Cuba by allowing sales of food and medicine, restrictions in the federal legislation have delayed or prevented sales of food and medicine to Cuba; and

**WHEREAS**, it is estimated that Cuba imports up to \$1 billion per year in grain; and

**WHEREAS**, the economy of agricultural states, and thus of the United States, would greatly benefit from the lifting of all economic sanctions on Cuba; and

**WHEREAS**, United States Senator Byron L. Dorgan has again introduced legislation to the 106th Congress to repeal all restrictions the United States has placed on the sale of food and medicine to Cuba;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to pass legislation that will lift the embargo on trade with Cuba; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the United States Senate and House of Representatives minority and majority leaders and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2001

## CHAPTER 670

### SENATE CONCURRENT RESOLUTION NO. 4026

(Senators Krauter, Heitkamp)

#### AGRICULTURAL POLICY EXAMINATION URGED

A concurrent resolution urging Congress to carefully examine United States agricultural policy with a view to addressing trade and export enhancement issues, adequate loan rates for all commodities, and any other issues or provisions that would restore income protection and prosperity for this country's farmers.

**WHEREAS**, the prices for many commodities grown by farmers in this state have for several years been at historically low levels; and

**WHEREAS**, the prices received by farmers for their commodities are often lower than the actual cost of production; and

**WHEREAS**, emergency government assistance payments to farmers in this state have over the last three years exceeded \$1 billion; and

**WHEREAS**, in 1996, government subsidies accounted for 13 percent of total farm income; and

**WHEREAS**, in 1999, government subsidies accounted for 42 percent of total farm income; and

**WHEREAS**, statistics released by the Food and Agricultural Policy Research Institute at the University of Missouri indicate that if the current agricultural policy is not changed, net farm income will by the year 2009 fall to \$37 billion, which is \$17 billion less than the 1996 level; and

**WHEREAS**, the European Union assists its farmers through high-support prices and generous direct payments, which result in prosperous rural areas and a vibrant agricultural economy; and

**WHEREAS**, this country's agricultural policy frequently fails to provide adequate protection from market downturns;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to carefully examine United States agricultural policy with a view to addressing trade and export enhancement issues, adequate loan rates for all commodities, and any other issues or provisions that would restore income protection and prosperity for this country's farmers; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the majority and minority leaders of the United States Senate and the House of Representatives, the chairman of the Senate Agriculture Committee, the chairman of the House Agriculture Committee, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2001

## CHAPTER 671

### SENATE CONCURRENT RESOLUTION NO. 4027

(Senators Thane, Heitkamp)

#### PRESCRIPTION DRUG STUDY

A concurrent resolution directing the Legislative Council to study the prices for prescription drugs and possible mechanisms to lower those costs to consumers and the state, and whether the state should establish a program to assist in the purchase of prescription drugs based upon income.

**WHEREAS**, a study by the Center for Studying Health System Change reports that prescription drugs are responsible for 44 percent of the increase in health care costs; and

**WHEREAS**, Medicaid drug expenditures for the 1997-99 biennium totaled \$47.1 million, of which \$12.3 million were from the general fund; for the 1999-2001 biennium, the department of human services budgeted \$50.4 million, of which \$15 million are state funds; and the latest estimates indicate that the department of human services will expend \$63.5 million, of which \$18.9 million are state funds while the department of human services is anticipating expenditures in the next biennium to exceed \$80 million; and

**WHEREAS**, escalating prescription drug prices is an especially important issue to seniors because studies indicate the cost of the top 50 drugs used by elderly citizens in this country has been increasing at a rate that has outpaced inflation nearly two to one; and

**WHEREAS**, escalating prescription drug prices is an especially important issue to rural residents because rural residents typically have lower incomes, limited access to pharmacies, and pay more for prescription drugs than their urban counterparts; and

**WHEREAS**, studies indicate that inadequate access to affordable prescription drugs results in increased medical expenses such as increased emergency mental health services and increased nursing home admissions; and

**WHEREAS**, several states have initiated programs to address the affordability of prescription drugs, including Maine's Maine Rx program and Indiana's HoosierRx; and

**WHEREAS**, several states have introduced legislation to address the issue of affordability of prescription drugs, including Illinois, Michigan, Minnesota, and Ohio;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the prices for prescription drugs and possible mechanisms to lower those costs to consumers and the state, and whether the state should establish a program to assist in the purchase of prescription drugs based upon income; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

**CHAPTER 672****SENATE CONCURRENT RESOLUTION NO. 4028**  
(Senator Mutch)**CONSTITUTIONAL CONVENTION CALLS RESCINDED**

A concurrent resolution rescinding all applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action.

**WHEREAS**, the Legislative Assembly, acting with the best of intentions, has, at various times, applied to the Congress of the United States to call a convention to propose amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

**WHEREAS**, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

**WHEREAS**, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

**WHEREAS**, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Assembly rescinds the following applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution:

1967 House Concurrent Resolution "I-1", calling for a convention to amend the Constitution of the United States, relating to apportionment;

1971 Senate Concurrent Resolution No. 4013, calling for a convention to amend the Constitution of the United States to provide revenue sharing;



1975 Senate Concurrent Resolution 4018, calling for a convention to amend the Constitution of the United States to require a balanced cash budget for each session of Congress except in time of war or national emergency;

1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to prohibit federal estate taxes; and

**BE IT FURTHER RESOLVED**, that the Legislative Assembly urges the legislative bodies of each state that have applied to Congress to call a convention to rescind; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the presiding officer of each legislative body in each state, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the North Dakota Congressional Delegation, and to the administrator of General Services, Washington, D.C.

Filed March 27, 2001

**CHAPTER 673****SENATE CONCURRENT RESOLUTION NO. 4029**

(Senators Kelsh, Every, Tomac)  
(Representative Gulleson)

**MARRIAGE PENALTY ELIMINATION URGED**

A concurrent resolution urging Congress to eliminate the marriage penalty.

**WHEREAS**, marriage is recognized throughout the nation as a valuable and important social institution; and

**WHEREAS**, families today struggle with the high costs of raising children; and

**WHEREAS**, our current tax code imposes a tax penalty on married couples, often referred to as a marriage penalty; and

**WHEREAS**, the current marriage penalty in some cases encourages married couples to divorce to avoid taxes; and

**WHEREAS**, the current marriage penalty in some cases discourages single persons from becoming married; and

**WHEREAS**, President Bill Clinton vetoed the Marriage Tax Relief Reconciliation Act of 2000 which sought to address the marriage tax penalty; and

**WHEREAS**, Congressman Earl Pomeroy voted to sustain President Clinton's veto of the Marriage Tax Relief Reconciliation Act of 2000; and

**WHEREAS**, Congressman Earl Pomeroy has proposed federal legislation by introducing HR 5171 in the 106th Congress, second session, to address the marriage tax penalty;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to support and pass legislation to eliminate the marriage tax penalty so that families will not be punished under the tax code, those who chose to become married will not be encouraged to dissolve their marriage to avoid federal taxes, and those who are contemplating marriage will not resolve to remain unmarried because of the marriage tax penalty; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the United States Senate and House of Representatives minority and majority leaders and to each member of the North Dakota Congressional Delegation.

Filed April 2, 2001

**CHAPTER 674****SENATE CONCURRENT RESOLUTION NO. 4031**

(Senators Tollefson, G. Nelson, Schobinger)  
(Representatives Belter, Timm)

**CORPORATE INCOME TAX LAW STUDY**

A concurrent resolution directing the Legislative Council to study the state corporate income tax laws.

**WHEREAS**, corporate income tax imposition by a state is a significant part of the business climate of the state; and

**WHEREAS**, North Dakota imposes a corporate income tax that is a burden on business, which discourages businesses from locating in this state; and

**WHEREAS**, consideration should be given to the feasibility and desirability of eliminating the corporate income tax, eliminating the deduction for federal corporate income taxes paid, or making other changes that will provide a corporate income tax rate that would enhance the attractiveness of the business climate of this state;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the state corporate income tax laws; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

**CHAPTER 675****SENATE CONCURRENT RESOLUTION NO. 4032**

(Senators Traynor, Holmberg)  
(Representative Devlin)

**EDUCATIONAL TRUST EFFECT ON SERVICES  
ELIGIBILITY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of exempting funds set aside in a trust for a child's education when determining the child's eligibility for certain human services programs.

**WHEREAS**, the cost of a college education continues to rise; and

**WHEREAS**, the average income for a person with a bachelor's degree is almost 50 percent higher than for a person with a high school diploma; and

**WHEREAS**, grandparents and other relatives of a child often want to invest money in trust accounts and other types of investments to provide money for the child's postsecondary education; and

**WHEREAS**, eligibility requirements for certain human services programs do not exempt the funds set aside for education in trusts and other investments;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the feasibility and desirability of exempting funds set aside in a trust for a child's education when determining the child's eligibility for human services programs; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

**CHAPTER 676****SENATE CONCURRENT RESOLUTION NO. 4033**

(Senators Traynor, Dever, Lyson, C. Nelson, Trenbeath, Watne)  
(Judiciary Committee)

**MENTAL ILLNESS COMMITMENT PROCEDURES  
STUDY**

A concurrent resolution directing the Legislative Council to study the commitment procedures for individuals with mental illness.

**WHEREAS**, during the course of any given year, more than 40 million adult Americans are affected by one or more mental disorders and 6.5 million Americans are disabled by severe mental illnesses; and

**WHEREAS**, North Dakota Century Code Chapter 25-03.1, enacted in 1977, provides the procedures for the voluntary and involuntary commitment of individuals with mental illness; and

**WHEREAS**, involuntary commitment to a treatment facility raises constitutional issues regarding the deprivation of an individual's constitutionally protected liberty interests; and

**WHEREAS**, the Legislative Council has not conducted a comprehensive study of the commitment procedures for individuals with mental illness since the 1975-76 interim;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the commitment procedures for individuals with mental illness; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

**CHAPTER 677****SENATE CONCURRENT RESOLUTION NO. 4034**

(Senators T. Mathern, Lee)  
(Representatives Cleary, Price)

**CHARITABLE CHOICE IMPLEMENTATION STUDY**

A concurrent resolution directing the Legislative Council to study the issues and concerns of implementing charitable choice, the privatization of federally funded welfare services through faith-based organizations.

**WHEREAS**, "charitable choice" is the term applied to Section 104 of the federal welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Pub. L. 104-193; 110 Stat. 2105], which encourages states to involve charitable, religious, or private organizations in providing federally funded welfare services to the poor and needy; and

**WHEREAS**, charitable choice allows states to enter purchase of service agreements or voucher arrangements with charitable, religious, or private organizations under the temporary assistance for needy families program; and

**WHEREAS**, charitable choice also applies to supplemental security income and to the food stamp and Medicaid programs to the extent that the state uses contracts or vouchers with nongovernmental providers; and

**WHEREAS**, proponents of charitable choice claim that states have long contracted with private and religious groups to provide programs like job training, foster care, child-rearing classes, adult education, day care, and drug rehabilitation and that charities reduce administrative costs by using volunteers and lower-paid employees; and

**WHEREAS**, opponents claim charitable choice violates the separation of church and state by allowing pervasively sectarian institutions, including houses of worship, to receive federal funding to administer social services and public health benefits on behalf of the government;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the issues and concerns of implementing charitable choice, the privatization of federally funded welfare services through faith-based organizations; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

## CHAPTER 678

### SENATE CONCURRENT RESOLUTION NO. 4038

(Senators Wanzek, Erbele, Klein)  
(Representatives Nelson, Nicholas)

#### AGRICULTURAL PRODUCTION CONTRACTS STUDY

A concurrent resolution directing the Legislative Council to study the benefits and risks associated with the use of contracts in agricultural production, including growing and sales provisions, labor arrangements, chemical usage, and provisions necessitated by emerging technologies.

**WHEREAS**, since World War II, agriculture has become bigger, more intensive, and more specialized both in developed and in developing countries; and

**WHEREAS**, modern agriculture is being shaped by many of the same technologies that are transforming other industries; and

**WHEREAS**, farmers and ranchers are expected to respond to market forces, produce an abundance of cheap food, maintain concern for the environment, and look after rural landscapes, the welfare of animals, and the health of consumers; and

**WHEREAS**, global competition and new technologies are forging new relationships within and between different layers of agribusiness and transforming what was once a very simple process into a very complex legal undertaking;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the benefits and risks associated with the use of contracts in agricultural production, including growing and sales provisions, labor arrangements, chemical usage, and provisions necessitated by emerging technologies; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 26, 2001

**CHAPTER 679****SENATE CONCURRENT RESOLUTION NO. 4039**

(Senators G. Nelson, Krauter)  
(Representatives Belter, Boucher)

**MISS AMERICA 2001 WELCOMED**

A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.

**WHEREAS**, acts of violence by youth have prompted discussions regarding the role of teachers in developing students' core ethics and values; and

**WHEREAS**, teachers, more than any other adults besides parents, directly influence the character attributes students develop; and

**WHEREAS**, a renewed emphasis on character education is urgently needed to support the ethical, social, and academic development of students; and

**WHEREAS**, in addition to focusing attention on the provision of character education, increased value must be placed on teachers; and

**WHEREAS**, despite the challenges, teachers need support in their efforts to provide positive character development; and

**WHEREAS**, Angela Perez Baraquio, Miss America 2001, is a professional educator who has dedicated her year as Miss America to communicating the importance of teaching values while valuing teachers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly welcomes Miss America 2001 Angela Perez Baraquio to North Dakota and supports her efforts to promote character education in schools; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to Ms. Angela Perez Baraquio and to the Miss America organization.

Filed February 21, 2001



**CHAPTER 680****SENATE CONCURRENT RESOLUTION NO. 4042**

(Senators Stenehjem, Flakoll, Grindberg, Holmberg)  
(Representatives Carlson, Clark)

**NONCRIMINAL TRAFFIC VIOLATION  
ADMINISTRATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of a centralized process for administering noncriminal traffic violations.

**WHEREAS**, noncriminal traffic citations are processed in the 53 counties of this state before traffic violation information is transmitted to the Department of Transportation; and

**WHEREAS**, current methods of processing noncriminal traffic citations result in redundancies in data entry, delay in transmitting traffic violation information, and substantial investments of time and personnel by county and city employees; and

**WHEREAS**, central processing of noncriminal traffic citations through the Department of Transportation would provide a single processing point, a central location for submission of citation payments by traffic offenders, and a central point of reporting for state and local law enforcement;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the feasibility and desirability of a centralized process for administering noncriminal traffic violations; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 2, 2001

**CHAPTER 681****SENATE CONCURRENT RESOLUTION NO. 4043**

(Senators Krauter, Kroeplin)  
(Representatives Froelich, Kerzman, Nicholas)

**CARBON SEQUESTRATION PROGRAMS STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of promoting carbon sequestration programs in this state.

**WHEREAS**, carbon dioxide emissions from manmade activities account for approximately four percent of total carbon dioxide emissions worldwide; and

**WHEREAS**, while the scientific community continues to debate the causation and extent of global warming from increased carbon dioxide emissions, it is prudent to take actions that reduce carbon dioxide emissions under voluntary, no-regrets policies; and

**WHEREAS**, many plants absorb carbon dioxide and deposit, sequester, or sink carbon into the soil, thus removing it from the atmosphere; and

**WHEREAS**, carbon dioxide producing industries may be willing to pay farmers and ranchers to plant crops and use land-management practices that will sequester carbon on their land; and

**WHEREAS**, recently 400 farmers in Iowa were paid \$8 million for storing carbon; and

**WHEREAS**, it has been estimated that South Dakota farmers could receive \$20 to \$30 an acre for cultivated land and three to five dollars an acre for rangeland for capturing or sequestering carbon on their land; and

**WHEREAS**, carbon sequestration may provide a much-needed source of additional income for this state's farmers and ranchers;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the feasibility and desirability of promoting carbon sequestration programs in this state; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 26, 2001

## CHAPTER 682

### SENATE CONCURRENT RESOLUTION NO. 4046

(Senators Tomac, Cook, Freborg)  
(Representatives Mahoney, Porter, Wrangham)

### MISSOURI RIVER ISSUES STUDY

A concurrent resolution directing the Legislative Council to study issues related to the Missouri River in this state.

**WHEREAS**, the Flood Control Act of 1944, as amended, assured benefits to all 10 states within the Missouri River Basin under a control and management program that came to be commonly known as the Pick-Sloan Project; and

**WHEREAS**, the Congress of the United States has directed the United States Army Corps of Engineers to build, operate, and maintain all the features of the Pick-Sloan Project; and

**WHEREAS**, the Missouri River is a resource of significant value to multiple interests, including recreation and fishing, camping, boating, water supply, economic development, industrial, irrigation, and aesthetic preservation interests; and

**WHEREAS**, a long-term strategic plan for the Missouri River should be developed by the state and local officials in this state for the benefit of future generations of state residents; and

**WHEREAS**, the BOMMM (Burleigh, Oliver, Morton, Mercer, and McLean Counties) Joint Water Resource Board is sponsoring the Missouri River Coordinated Resource Management Program to bring all Missouri River stakeholders together for communication, coordination, and consensus on issues critical to the Missouri River; and

**WHEREAS**, the Missouri River Coordinated Resource Management Program has a technical group, which is developing a geographic information system for the Missouri River in this state, and a vision group, which is developing a comprehensive plan for the Missouri River in this state; and

**WHEREAS**, the Congress of the United States has enacted the Missouri River Protection and Improvement Act of 2000 to reduce siltation of the Missouri River in the state of North Dakota, to meet the objectives of the Pick-Sloan Project by developing and implementing a long-term strategy concerning critical Missouri River issues, and to develop and finance new programs to implement a long-term strategy for the Missouri River; and

**WHEREAS**, there are many issues that must be addressed in the development of a long-term strategic plan for the Missouri River, including land use, bank stabilization, endangered species, recreation, conservation of natural areas, woodland, riparian wetland, agriculture and irrigation, delta formation, and other issues;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study issues related to the Missouri River in this state; and

**BE IT FURTHER RESOLVED**, that the study include an examination of the Pick-Sloan Missouri Basin program; the United States Army Corps of Engineer's master plan; land and natural resource, water management, bank stabilization, and land use issues; and development of a long-range vision for the Missouri River in this state; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed March 26, 2001

**CHAPTER 683****SENATE CONCURRENT RESOLUTION NO. 4048**

(Senators Tallackson, Krauter, Mutch, G. Nelson)

(Representatives Belter, Boucher)

(Approved by the Delayed Bills Committee)

**PURPLE HEART MEDAL STAMP ISSUANCE URGED**

A concurrent resolution urging the issuance of a postage stamp to honor the Purple Heart medal and those who have received the Purple Heart medal.

**WHEREAS**, the Order of the Purple Heart for military merit, initially called the Badge of Military Merit, was established by General George Washington at Newburg, New York, on August 7, 1782, during the Revolutionary War; and

**WHEREAS**, the Order of the Purple Heart is a combat decoration awarded to members of the armed forces of the United States without regard to rank and issued without recommendation but upon specific criteria including being wounded or killed in hostile circumstances; and

**WHEREAS**, the Purple Heart is a beautiful and the world's costliest medal requiring nineteen separate operations to complete from the rough heart stamped from bronze to the finished medal, plated with gold and enameled in various colors, suspended from a purple and white ribbon;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the issuance of a postage stamp to honor the Purple Heart medal and those who have received the Purple Heart medal; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Postmaster General, the chairman and members of the Citizens' Stamp Advisory Committee, and to each member of the North Dakota Congressional Delegation.

Filed April 10, 2001

**CHAPTER 684****SENATE CONCURRENT RESOLUTION NO. 4049**

(Senator T. Mathern)  
(Representatives Keiser, S. Kelsh)  
(Approved by the Delayed Bills Committee)

**LEAD-BASED PAINT CLAIM LIMITATION STUDY**

A concurrent resolution directing the Legislative Council to study limiting actions for lead-based paint claims.

**WHEREAS**, the presence of lead-based paint in public buildings may cause significant environmental and health concerns; and

**WHEREAS**, it may be in the best interests of the general public, particularly for those persons who may bring claims regarding lead-based paint in public buildings and those against whom the claims may be brought, to set a specific date by which public building owners must bring a cause of action for removal or other abatement costs associated with the presence of lead-based paint in their buildings;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study limiting actions for lead-based paint claims; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly.

Filed April 10, 2001

## CHAPTER 685

### SENATE CONCURRENT RESOLUTION NO. 4050

(Senator Wanzek)  
(Representatives Lemieux, Nelson, Nicholas)  
(Approved by the Delayed Bills Committee)

### DURUM CROP REVENUE COVERAGE CONTINUATION URGED

A concurrent resolution urging Congress to direct the Secretary of Agriculture and the federal Risk Management Agency to establish a pricing policy so crop revenue coverage for durum can be continued.

**WHEREAS**, crop revenue coverage historically has provided coverage for both low prices and low yields; and

**WHEREAS**, crop revenue coverage had initially included an adjustment to reflect the higher price that durum usually commands over spring wheat; and

**WHEREAS**, North Dakota farmers typically produce more than two-thirds of the nation's durum; and

**WHEREAS**, in 1999 North Dakota farmers successfully sued the federal government when crop insurance terms were altered after the farmers had purchased policies; and

**WHEREAS**, the lawsuit settlement amounted to over \$40 million, or approximately \$5,000 for each of 8,000 farmers; and

**WHEREAS**, a key component of providing crop revenue coverage is the establishment of a base price, or the lowest price that a farmer would be guaranteed for a crop; and

**WHEREAS**, disagreement exists regarding the time period used to set the base price; and

**WHEREAS**, the federal Risk Management Agency on March 5, 2001, notified insurance companies that it would not offer crop revenue coverage for durum this year; and

**WHEREAS**, the federal Risk Management Agency stated that it had to withdraw the policies because durum trades on the futures market were too few to allow the agency to set a base price for durum; and

**WHEREAS**, the notification by the federal Risk Management Agency effectively left farmers under two weeks to change their insurance plans before the March 15, 2001, deadline; and

**WHEREAS**, a federal judge on March 15, 2001, refused to direct the federal Risk Management Agency to extend the insurance deadline for at least ten days; and

**WHEREAS**, North Dakota's durum crops have suffered in recent years from disease brought on by wet weather; and

**WHEREAS**, the lack of an adequate crop revenue coverage policy would be a severe blow to the North Dakota durum industry;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress to direct the Secretary of Agriculture and the federal Risk Management Agency to establish a pricing policy so crop revenue coverage for durum can be continued; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of Agriculture, the administrator of the federal Risk Management Agency, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation.

Filed April 18, 2001



## CHAPTER 686

### SENATE CONCURRENT RESOLUTION NO. 4051

(Senators Wanzek, Klein, Solberg)  
(Representatives Boehm, Nicholas, Severson)  
(Approved by the Delayed Bills Committee)

### LIVESTOCK DISEASE PREVENTION AND ERADICATION URGED

A concurrent resolution urging Congress to take any and all measures necessary to guard against the spread of all livestock diseases, including foot and mouth disease and bovine spongiform encephalopathy, and to encourage aggressive efforts on the part of other countries with a view to eradicating these diseases with all possible celerity.

**WHEREAS**, foot and mouth disease is a contagious febrile disease affecting cloven-hooved animals; and

**WHEREAS**, the disease is characterized by a sudden rise in temperature, followed by an eruption of blisters in the mouth, on areas of tender skin such as the udder, and on the feet; and

**WHEREAS**, with this disease, eating becomes difficult and painful, significant weight loss is experienced, significant decrease in milk production is experienced, and lameness generally occurs, as does death among younger animals; and

**WHEREAS**, the United States has experienced nine distinct epizootics, the most serious of which occurred in 1914 which invaded 22 states and the District of Columbia, and the latest of which occurred in California in 1929; and

**WHEREAS**, while considerable progress has been made toward developing an effective vaccine against foot and mouth disease, the cost of vaccinating all susceptible animals remains prohibitive; and

**WHEREAS**, the vaccination of all susceptible animals will not eradicate foot and mouth disease; and

**WHEREAS**, the slaughter of all exposed animals is the only presently effective countermeasure to foot and mouth disease; and

**WHEREAS**, 395 outbreaks of foot and mouth disease have been confirmed in European countries as of March 20, 2001; and

**WHEREAS**, an outbreak of foot and mouth disease in the United States would cause billions of dollars worth of losses to farmers and ranchers; and

**WHEREAS**, since 1996, evidence has been increasing for a causal relationship between ongoing outbreaks in European countries of a disease in cattle called bovine spongiform encephalopathy, commonly known as BSE or mad cow disease, and a disease in humans called new variant Cruetzfeldt-Jakob disease; and

**WHEREAS**, bovine spongiform encephalopathy and new variant Cruetzfeldt-Jakob are invariably fatal brain diseases with incubation periods that are measured in years; and

**WHEREAS**, as of November 2000, more than 177,500 cases of bovine spongiform encephalopathy have been confirmed in the United Kingdom; and

**WHEREAS**, this outbreak is believed to have been caused by feeding sheep meat and bone meal to cattle and the outbreak is believed to have been amplified by the feeding of rendered bovine meat and bone meal to calves; and

**WHEREAS**, the Animal and Plant Health Inspection Service of the United States Department of Agriculture has not detected bovine spongiform encephalopathy in the United States, despite active surveillance efforts since May 1990; and

**WHEREAS**, federal, state, and local governmental entities must work with each other and their international counterparts to ensure the continuation of a disease-free food supply, the health of our citizens, and the economic health of our livestock sector; and

**WHEREAS**, federal, state, and local governmental entities must be prepared to address and counter not only the inadvertent spread of foot and mouth disease but also the intentional dissemination of this and similar diseases by individuals or groups that zealously oppose the continuation of the livestock industry;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to take any and all measures necessary to guard against the spread of all livestock diseases, including foot and mouth disease and bovine spongiform encephalopathy, and to encourage aggressive efforts on the part of other countries with a view to eradicating these diseases with all possible celerity; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the United States Attorney General, the Secretary of Agriculture, the Administrator of the Animal and Plant Health Inspection Service, the director of the Central Intelligence Agency, the director of the Federal Bureau of Investigation, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation.

Filed April 18, 2001