

SENATE CONCURRENT RESOLUTIONS

CHAPTER 555

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Management)
(Commission on Alternatives to Incarceration)

A concurrent resolution directing the Legislative Management to study the imposition of fees by courts at sentencing and other fees that are imposed upon offenders.

WHEREAS, in 2007 the Legislative Assembly created a fifty dollar court supervision fee to be imposed upon an offender sentenced to perform community service; and

WHEREAS, after a study during the 2007-08 interim and a recommendation by the Commission on Alternatives to Incarceration to eliminate the court supervision fee, in 2009 the Legislative Assembly reduced the fee to twenty-five dollars; and

WHEREAS, during the 2009-10 interim, the Commission on Alternatives to Incarceration was informed the court supervision fee frequently either is not imposed as required or is waived because the fee is low on the hierarchy of fees required to be imposed by courts; and

WHEREAS, in addition to over 10 fees that courts may impose on offenders, offenders may be subject to other fees for participation in court-ordered programs; and

WHEREAS, a study of all fees imposed upon offenders may address the effectiveness of the fees, determine the appropriate hierarchy for collection purposes, and determine whether the imposition of the fees is successful in addressing the public purposes for which the fees are imposed;

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

That the Legislative Management study the imposition of fees by courts at sentencing and other fees that are imposed upon offenders; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 15, 2011

CHAPTER 556

SENATE CONCURRENT RESOLUTION NO. 4002

(Legislative Management)
(Natural Resources Committee)

A concurrent resolution urging Congress to provide a legal process to return to the riparian landowner land controlled by the Army Corps of Engineers which is not necessary for authorized purposes and if the federal government is unable or unwilling to convey the land back to nontribal and tribal riparian landowners, then Congress shall convey the land back to the state of North Dakota.

WHEREAS, the economy and well-being of the residents of North Dakota are dependent upon agriculture; and

WHEREAS, the United States, through the Army Corps of Engineers, has acquired certain lands around the Missouri River water system, including Lake Oahe and Lake Sakakawea; and

WHEREAS, the Army Corps of Engineers has failed to control weeds and manage this land properly; and

WHEREAS, the failure to control weeds on land managed by the Army Corps of Engineers is a public nuisance and jeopardizes the public health, safety, and general welfare of the residents of North Dakota; and

WHEREAS, in South Dakota, certain land that is not necessary for flood control by the Army Corps of Engineers has been returned to the state and is managed by the state;

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

That the Sixty-second Legislative Assembly urges the Congress of the United States to provide a legal process to return to the riparian landowner land controlled by the Army Corps of Engineers which is not necessary for authorized purposes and if the federal government is unable or unwilling to convey the land back to nontribal and tribal riparian landowners, then Congress shall convey the land back to the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Commanding General of the Army Corps of Engineers and each member of the North Dakota Congressional Delegation.

Filed April 22, 2011

CHAPTER 557

SENATE CONCURRENT RESOLUTION NO. 4003

(Legislative Management)
(Workforce Committee)

A concurrent resolution supporting the Northern Tier Network Technology Initiative, its private enterprise partners, and the related activities of the Legislative Management's Information Technology Committee.

WHEREAS, the Northern Tier Network Technology Initiative is the implementation of an information technology network for the purpose of supporting the research and education missions of the North Dakota University System from Seattle, Washington, to Chicago, Illinois, and from Winnipeg, Manitoba, to Omaha, Nebraska, with North Dakota's segments bordering Montana to the west, Minnesota to the east, the Canadian border to the north, and South Dakota to the south; and

WHEREAS, in 2007 the Legislative Assembly appropriated funds to the North Dakota University System to support the Northern Tier Network Technology Initiative; and

WHEREAS, during the 2007-08 and 2009-10 interims the Legislative Management's Information Technology Committee has received status reports on the implementation of North Dakota's portion of the Northern Tier Network; and

WHEREAS, North Dakota telecommunication companies have played and will continue to play an important role in supporting the Northern Tier Network Technology Initiative;

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

That the Sixty-second Legislative Assembly supports the Northern Tier Network Technology Initiative, its private enterprise partners, and the related activities of the Legislative Management's interim Information Technology Committee; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the members of the Northern Tier Network - North Dakota and the chairman of the Legislative Management's Information Technology Committee.

Filed April 15, 2011

CHAPTER 558

SENATE CONCURRENT RESOLUTION NO. 4005

(Senator J. Lee)
(Representative N. Johnson)

A concurrent resolution directing the Legislative Management to study the impact of the Patient Protection and Affordable Care Act on the Comprehensive Health Association of North Dakota and the statutes governing the Comprehensive Health Association of North Dakota.

WHEREAS, the enactment of the Patient Protection and Affordable Care Act makes significant changes to the health insurance industry and includes a provision guaranteeing health insurance coverage for all North Dakotans beginning in 2014; and

WHEREAS, the Comprehensive Health Association of North Dakota was established by the Legislative Assembly as the state's high-risk pool to provide an important safety net for those who have been denied insurance coverage in the individual market, to provide coverage for individuals who are disabled or age 65 or over, and to provide other special programs; and

WHEREAS, provisions of the Patient Protection and Affordable Care Act do not directly apply to state high-risk pools like the Comprehensive Health Association of North Dakota and the demand for coverage under the Comprehensive Health Association of North Dakota may be significantly impacted with the implementation of the Patient Protection and Affordable Care Act;

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

That the Legislative Management study the impact of the Patient Protection and Affordable Care Act on the Comprehensive Health Association of North Dakota and the statutes governing the Comprehensive Health Association of North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 15, 2011

CHAPTER 559

SENATE CONCURRENT RESOLUTION NO. 4007

(Senators Olafson, Hogue)
(Representative Thoreson)

A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

WHEREAS, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the Constitution of the United States upon application of two-thirds of the legislatures of the several states--an amendments convention; and

WHEREAS, the North Dakota Legislative Assembly favors the proposal and ratification of an amendment to the Constitution of the United States that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states;

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

That the Sixty-second Legislative Assembly of the state of North Dakota respectfully applies for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and

BE IT FURTHER RESOLVED, that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the Constitution of the United States providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; and

BE IT FURTHER RESOLVED, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the North Dakota Congressional Delegation, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

Filed April 11, 2011

CHAPTER 560

SENATE CONCURRENT RESOLUTION NO. 4008

(Senators Klein, Miller, Dotzenrod)
(Representatives Brandenburg, D. Johnson, Mueller)

A concurrent resolution urging the United States Environmental Protection Agency to request an additional 12-month stay of mandate for implementation of the Sixth Circuit Court of Appeals ruling in the matter of *National Cotton Council of America et al., v. United States Environmental Protection Agency*.

WHEREAS, the Clean Water Act regulates the discharge of pollutants into the nation's waters by, among other things, requiring entities that emit pollutants obtain and comply with a National Pollutant Discharge Elimination System permit; and

WHEREAS, the Environmental Protection Agency established a final rule in November 2006 that concluded that pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act are exempt from Clean Water Act National Pollutant Discharge Elimination System permitting requirements; and

WHEREAS, the Sixth Circuit Court of Appeals ruled in the matter of *National Cotton Council of America et al., v. United States Environmental Protection Agency* that pesticides could be considered to be pollutants under the Clean Water Act when applied on, in, or near water; and

WHEREAS, the court ordered the Environmental Protection Agency to vacate its 2006 final rule; and

WHEREAS, the Environmental Protection Agency previously obtained a two-year stay of mandate to extend the deadline for vacating its 2006 final rule to April 9, 2011; and

WHEREAS, 45 states with delegated National Pollutant Discharge Elimination System permitting authority will need to develop and implement National Pollutant Discharge Elimination System permits for pesticide users by April 9, 2011; and

WHEREAS, most states have not yet had their National Pollutant Discharge Elimination System general permit documents approved by the Environmental Protection Agency and many pesticide users are still unaware or unclear whether they will need to obtain a National Pollutant Discharge Elimination System permit to comply with the Clean Water Act on or after April 9, 2011;

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

That the Sixty-second Legislative Assembly urges the United States Environmental Protection Agency submit an additional 12-month stay of mandate

request to the Sixth Circuit Court of Appeals to extend the deadline for vacating the agency's final rule to April 9, 2012; and

BE IT FURTHER RESOLVED, that the Sixty-second Legislative Assembly supports a federal legislative solution that exempts pesticides from the definition of pollutant under the Clean Water Act provided those pesticides are used in a manner that complies with the Federal Insecticide, Fungicide, and Rodenticide Act.

Filed April 15, 2011

CHAPTER 561

SENATE CONCURRENT RESOLUTION NO. 4009

(Senators J. Lee, Berry, O'Connell)
(Representatives Heller, Hogan, Karls)

A concurrent resolution declaring February 2011 as "American Heart Month" and Friday, February 4, 2011, "National Wear Red Day" in North Dakota and encouraging all citizens to wear red to raise awareness of cardiovascular disease.

WHEREAS, cardiovascular disease is the nation's leading cause of death and costliest disease with direct and indirect costs estimated to be \$228 billion; and

WHEREAS, nearly 2,200 Americans die of cardiovascular disease each day, an average of one death every 39 seconds; and

WHEREAS, nearly one in three deaths due to cardiovascular disease occur before the age of 75 years; and

WHEREAS, efforts of the American Heart Association encourage citizens to help save lives by calling 9-1-1 if symptoms occur, become trained in cardiopulmonary resuscitation, and encourage comprehensive automated external defibrillator programs in their communities; and

WHEREAS, the research is clear that there are preventive strategies, as well as community-based strategies, that can increase survival rates from cardiovascular disease; and

WHEREAS, only one statewide program exists for reaching North Dakota residents on heart disease, their risk, and helping individuals to improve personal and family health--Go Red North Dakota; and

WHEREAS, the Go Red North Dakota program is seen as a nationwide innovator and a source of tools for other states and tribal programs;

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

That the Sixty-second Legislative Assembly in recognition of the importance of the ongoing fight against heart disease, does hereby proclaim February 2011 to be American Heart Month in North Dakota and urge all citizens to recognize the critical importance of tools and skills that will increase survival rates from cardiac arrest. By incorporating these tools into aggressive programs, thousands of lives each year can be saved; and

BE IT FURTHER RESOLVED, that Friday, February 4, 2011, be declared "National Wear Red Day" in North Dakota and urge all citizens to show their support in the fight against heart disease by commemorating this day by the wearing of the color red.

Filed February 1, 2011

CHAPTER 562

SENATE CONCURRENT RESOLUTION NO. 4010

(Senators Krebsbach, Heckaman, J. Lee, Warner)
(Representatives N. Johnson, Maragos)

A concurrent resolution directing the Legislative Management to study the adequacy of governmental services, including judicial services, to respond to issues relating to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services.

WHEREAS, during the 2003-04 interim, a study of guardianship services by the interim Criminal Justice Committee, with the assistance of the North Dakota Guardianship Task Force, identified important deficiencies in the funding and effective delivery of guardianship services and during subsequent years new issues may have arisen; and

WHEREAS, legislation recommended by the interim Criminal Justice Committee to address the deficiencies was not enacted and methods for the effective delivery of guardianship services generally, and public guardianship services in particular, remain uncertain, inconsistent, and lacking in sufficient funding and the unsupervised use of representative payees and powers of attorney agreements have raised important new concerns; and

WHEREAS, state law governing public administrators, a critically important form of public guardianship, is vague and incomplete with respect to services to be provided, levels of supervision, general accountability, the responsibility to adequately compensate those who are appointed to serve as public administrators, and the role of the courts in responding to unique issues associated with an aging population; and

WHEREAS, there is also a need to study issues of public administrator services and methods for the timely and effective delivery of guardianship services as they relate to the aging veteran population in this state; and

WHEREAS, other states have considered or implemented different models for the provision of public guardianship services to ensure adequate services, oversight, and the availability of qualified individuals to provide guardianship services;

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

That the Legislative Management study the adequacy of governmental services, including judicial services, to respond to issues relating to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 15, 2011

CHAPTER 563

SENATE CONCURRENT RESOLUTION NO. 4012

(Senators Warner, J. Lee)
(Representatives Conklin, N. Johnson)

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit.

WHEREAS, public health services are essential in promoting a healthy workforce to rapidly growing communities in Indian country; and

WHEREAS, the Indian Health Service faces a possible decline in funding; and

WHEREAS, the Fort Berthold Reservation encompasses portions of six counties and is served by at least three public health units which results in funding problems;

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

That the Legislative Management study the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 22, 2011

CHAPTER 564

SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Stenehjem, Christmann, Sitte)
(Representatives Carlson, Delzer, Pollert)

A concurrent resolution urging Congress to adopt a federal balanced budget amendment.

WHEREAS, a balanced budget amendment to the Constitution of the United States is necessary to restore fiscal discipline to our republic; and

WHEREAS, a balanced budget amendment should require the President to submit to Congress a proposed budget before each fiscal year in which total federal spending does not exceed total revenue; and

WHEREAS, that the balanced budget amendment should include a requirement that a supermajority of both houses of Congress be necessary to increase taxes; and

WHEREAS, the federal budget should be balanced by reductions in or freezing current spending before any increase in taxes; and

WHEREAS, a balanced budget amendment should include a limitation on total federal spending;

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

That the Sixty-second Legislative Assembly urges Congress to adopt a federal balanced budget amendment; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the presiding officer of each house of Congress, the President, and to each member of the North Dakota Congressional Delegation.

Filed April 15, 2011

CHAPTER 565

SENATE CONCURRENT RESOLUTION NO. 4014

(Senator Mathern)
(Representative Maragos)

A concurrent resolution urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; and for other purposes.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of cooperation over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox worldwide; and

WHEREAS, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region; and

WHEREAS, in 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew with the Congressional Gold Medal; and

WHEREAS, following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the September 11, 2001, attacks as "antireligious"; and

WHEREAS, in October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe and Central Asia via religious leaders' interfaith dialogue, understanding, and action; and

WHEREAS, the Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300,000,000 members worldwide with more than 2,000,000 members in the United States; and

WHEREAS, since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, this religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, the Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to Turkish nationals only, and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain fewer than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

WHEREAS, the Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy; and

WHEREAS, the Turkish government has confiscated nearly 94 percent of the Ecumenical Patriarchate's properties; and

WHEREAS, the European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, the European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights; and

WHEREAS, the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in this state and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government;

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

That the North Dakota Legislative Assembly urges the Government of Turkey to uphold and safeguard religious and human rights; cease its discrimination of the Ecumenical Patriarchate; grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities; and respect the property rights and human rights of the Ecumenical Patriarchate; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, and the members of the North Dakota Congressional Delegation.

Filed April 22, 2011

CHAPTER 566

SENATE CONCURRENT RESOLUTION NO. 4016

(Senators Nelson, Schneider, Triplett)
(Representatives Conklin, Holman, D. Johnson)

A concurrent resolution expressing support for the public awareness of multiple sclerosis; declaring the week of March 14-20, 2011, "MS Awareness Week"; and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis.

WHEREAS, multiple sclerosis is a chronic and disabling disease of the central nervous system in which the progression, severity, and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with multiple sclerosis--a disease that can erode an individual's abilities and hopes, halt a career, and unravel the fabric of families; and

WHEREAS, last year in North Dakota more than \$700,000 was raised to find a cure for multiple sclerosis and develop effective treatments for the disease, as well as to provide a wide range of client programs to improve the lives of the 1,500 individuals living with multiple sclerosis in our state; and

WHEREAS, this investment is paying off in significant advances in treating multiple sclerosis, such as new medications that may reduce or delay future disability for individuals with multiple sclerosis; and

WHEREAS, although research advances have brought us closer to finding the cure, much remains to be done and services must continue to be provided to those who live with the disease; and

WHEREAS, there are public and private agencies available to serve the constantly changing needs of North Dakotans with multiple sclerosis and their families by extending essential service to all who need them;

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

That the Sixty-second Legislative Assembly in recognition of the importance of public awareness of multiple sclerosis, proclaims the week of March 14-20, 2011, "MS Awareness Week" in North Dakota and urges the Congress of the United States to join in the movement in creating a world free of multiple sclerosis; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, each member of the North Dakota Congressional Delegation, the North Dakota office of the North Central States Chapter of the National Multiple Sclerosis Society, and the National Multiple Sclerosis Society.

Filed April 22, 2011

CHAPTER 567

SENATE CONCURRENT RESOLUTION NO. 4017

(Senators Nelson, Murphy, J. Lee)
(Representative Conklin)

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of allowing school officials, including officials of higher education institutions, access to the otherwise confidential files and records of the juvenile court.

WHEREAS, the North Dakota Century Code provides that, with certain limited exceptions, the files and records of the juvenile court are closed to the public; and

WHEREAS, school officials are not within the list of limited exceptions; and

WHEREAS, the North Dakota Century Code provides that the files and records of the juvenile court are open to inspection with written leave of a juvenile judge or judicial referee by the principal of any public or nonpublic school that is a member of the North Dakota High School Activities Association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota High School Activities Association; and

WHEREAS, school officials are not permitted to inspect the files or records for other purposes; and

WHEREAS, officials of higher education institutions also have restricted access to juvenile court records of incoming and enrolled students; and

WHEREAS, receiving additional information about incoming and enrolled students who are juvenile offenders or who are students with juvenile court records would assist school officials in protecting the welfare and safety of all students and staff, in providing appropriate treatment and rehabilitation to the juvenile offenders or to students with juvenile court records, and in providing appropriate levels of support and supervision to the juvenile offenders or the students with juvenile court records;

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

That the Legislative Management study the feasibility and desirability of allowing school officials, including officials of higher education institutions, access to the otherwise confidential files and records of the juvenile court; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 22, 2011

CHAPTER 568

SENATE CONCURRENT RESOLUTION NO. 4018

(Senators Wanzek, Flakoll, Schaible)
(Representatives Belter, Headland, D. Johnson)

A concurrent resolution urging the Secretary of the United States Department of Agriculture to rely on sound scientific research to support regulatory decisionmaking with respect to the deregulation of alfalfa and all other similar circumstances.

WHEREAS, in 2010 the United States Supreme Court reversed a ban on genetically engineered alfalfa; and

WHEREAS, the United States Department of Agriculture recently released the final environmental impact statement for genetically engineered alfalfa; and

WHEREAS, the United States Department of Agriculture is considering the deregulation of genetically engineered alfalfa but not without geographic restrictions and isolation distances, in order to foster coexistence with individuals who produce nongenetically engineered seeds; and

WHEREAS, deregulation with conditions subverts a thorough scientifically based review process through the imposition of nonscientific based regulatory decisionmaking; and

WHEREAS, growers who produce high-value crops under identity-preserved systems have a long history of cooperating with neighboring growers to isolate crops from adjacent fields; and

WHEREAS, all growers continue to work closely with the seed industry to meet their respective stewardship obligations through contractual arrangements and other mechanisms; and

WHEREAS, matters of coexistence and stewardship are most effectively and efficiently addressed through producer relationships, rather than through federal regulatory impositions;

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

That the Sixty-second Legislative Assembly urges the Secretary of the United States Department of Agriculture to rely on sound scientific research to support regulatory decisionmaking with respect to the deregulation of alfalfa and all other similar circumstances; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the United States Department of Agriculture and to each member of the North Dakota Congressional Delegation.

Filed April 15, 2011

CHAPTER 569

SENATE CONCURRENT RESOLUTION NO. 4019

(Senators Wanzek, Luick, Uglem)
(Representatives Belter, Headland, D. Johnson)

A concurrent resolution recognizing the benefits of subsurface drain tile projects and urging the State Water Commission, State Engineer, Natural Resources Conservation Service, and water resource districts to recognize the beneficial attributes of and to promote drain tile projects in this state.

WHEREAS, drain tile projects have proven beneficial to agricultural production by increasing agricultural productivity and property values; and

WHEREAS, drain tile projects alleviate downstream flooding by providing additional storage of water; and

WHEREAS, drain tile projects improve the soil by reducing salinity of the soil;

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

That the Sixty-second Legislative Assembly recognizes the benefits of subsurface drain tile projects and urges the State Water Commission, State Engineer, Natural Resources Conservation Service, and water resource districts to recognize the beneficial attributes of and to promote drain tile projects in this state; and

BE IT FURTHER RESOLVED, that the State Water Commission, State Engineer, Natural Resources Conservation Service, and water resource district boards pursue the investigation and approval of drain tile projects; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor; Agriculture Commissioner; each member of the State Water Commission; State Engineer; state executive director, Farm Services Agency, United States Department of Agriculture; and state conservationist, Natural Resources Conservation Service, United States Department of Agriculture.

Filed April 15, 2011

CHAPTER 570

SENATE CONCURRENT RESOLUTION NO. 4020

(Senator Robinson)

A concurrent resolution directing the Legislative Management to study the causes of increases in Department of Human Services caseloads and program utilization and the impact of federal health care reform.

WHEREAS, the 2009 Legislative Assembly provided a total general fund appropriation for the Department of Human Services of \$652.2 million, which is \$58.3 million, or 9.8 percent, more than the legislative appropriation for the 2007-09 biennium; and

WHEREAS, the 2011-13 executive budget provides a total general fund appropriation for the Department of Human Services of \$927.4 million, which is \$275.2 million, or 42.2 percent, more than the legislative appropriation for the 2009-11 biennium; and

WHEREAS, the Department of Human Services is experiencing increases in caseloads and program utilization, including an increase in the number of Medicaid eligibles from 53,644 in December 2008 to 63,473 in November 2010; and

WHEREAS, the state of North Dakota is experiencing low unemployment, increases in personal income, and a strong economy; and

WHEREAS, the federal Patient Protection and Affordable Care Act will increase the future expenditures of the Department of Human Services beyond the control of the state of North Dakota;

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

That the Legislative Management study the causes of the increases in the Department of Human Services caseloads and program utilization and the impact of federal health care reform; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 22, 2011

CHAPTER 571

SENATE CONCURRENT RESOLUTION NO. 4021

(Senators Marcellais, Heckaman, Triplett)
(Representatives M. Nelson, Onstad)

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of developing a strategic partnership between the State Tourism Division and corresponding tourism departments or alliances of tourism departments of the Indian tribes within North Dakota promoting tourism in North Dakota.

WHEREAS, the State Tourism Division exists as a planning and coordinating agency for tourism-related programs of the state and the state's tourism partners; and

WHEREAS, in early 2011, the federally recognized Indian tribes within North Dakota organized an intertribal tourism alliance that seeks cooperation with the State Tourism Division; and

WHEREAS, each federally recognized Indian tribe within North Dakota also has a tourism department or equivalent agency or function that seeks to draw visitors to the various attractions and activities that occur within the Indian reservations of the state; and

WHEREAS, joint planning and marketing of tourism in North Dakota by the state and the federally recognized Indian tribes within the state could substantially boost tourism in North Dakota by featuring American Indian activities and attractions of interest to both international and out-of-state tourists seeking contacts and experiences with American Indians and seeking to learn about the history of the state; and

WHEREAS, an investment of state funds into joint tourism marketing programs between the state and an alliance of tribal tourism departments could lead to increased economic development in rural areas in North Dakota as well as for the Indian tribes themselves;

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

That the Legislative Management study the feasibility and desirability of developing a strategic partnership between the State Tourism Division and corresponding tourism departments or alliances of tourism departments of the Indian tribes within North Dakota promoting tourism in North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 22, 2011

CHAPTER 572

SENATE CONCURRENT RESOLUTION NO. 4022

(Senators Nodland, Wanzek, Wardner)
(Representatives Headland, Schatz)

A concurrent resolution urging Congress to sell federal land to long-term lessees of the land in this state.

WHEREAS, the Bureau of Reclamation owns land surrounding Lake Patterson and the Jamestown Reservoir, and owns other land in this state; and

WHEREAS, homes have occupied this land for over a half century without interfering or hindering the intent or operation of the federal projects for which the land was purchased; and

WHEREAS, North Dakota residents are discriminated against because other similar property in other states has been transferred to the permitholders, for example, in Montana due to federal legislation;

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

That the Sixty-second Legislative Assembly urges the Congress of the United States to sell federal land to long-term lessees of the land in this state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Bureau of Reclamation and each member of the North Dakota Congressional Delegation.

Filed April 15, 2011

CHAPTER 573

SENATE CONCURRENT RESOLUTION NO. 4025

(Senators Nething, Stenehjem, Taylor)
(Representatives Carlson, DeKrey, J. Kelsh)
(Approved by the Delayed Bills Committee)

A concurrent resolution commending Assistant Attorney General Jonathan Byers for his quick and effective reaction to a serious threat to public safety, disregarding his own personal safety for the benefit of others.

WHEREAS, Jonathan Byers has held the position of Assistant Attorney General for nearly 19 years, and is presently the Division Director of the Criminal and Regulatory Division of the Attorney General's office; and

WHEREAS, Mr. Byers has a reputation, throughout the state of North Dakota, as the "go to" prosecutor for difficult and complex sexual offense and other criminal cases; and

WHEREAS, having concluded a recent week-long felony trial, Mr. Byers was confronted, in open court, by the recently convicted defendant who was brandishing a handgun; and

WHEREAS, Mr. Byers, being unarmed himself, but recognizing the seriousness and danger of the situation, did at great risk to his own personal safety, physically and forcefully subdue the defendant before the weapon could be discharged, thus preserving the safety of those present, including the judge, the jury, and the public;

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

That the Legislative Assembly commends Assistant Attorney General Jonathan Byers for his heroic actions, which exemplify the degree to which a public employee may act in the interests of the public he serves; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Assistant Attorney General Jonathan Byers and to Attorney General Wayne Stenehjem.

Filed March 7, 2011

CHAPTER 574

SENATE CONCURRENT RESOLUTION NO. 4026

(Senator Schneider)
(Representative Mock)

A concurrent resolution directing the Legislative Management to study the use of specialized companies to manage student financial aid refund operations and the online financial and banking services that the companies are offering to students.

WHEREAS, after all tuition and fees have been paid, a student is entitled to use leftover financial aid for books, school supplies, rent, and other expenses associated with the pursuit of higher education; and

WHEREAS, in order to meet their obligations with respect to the refunding of excess financial aid to students, many institutions of higher education have turned to companies that specialize in managing refund operations; and

WHEREAS, companies that specialize in managing refund operations often offer an array of online financial and banking services to students; and

WHEREAS, students often do not realize that financial aid refunds can be sent electronically to any bank account in this country; and

WHEREAS, students often do not realize that while all banks or financial service companies charge fees for certain services, not all of them charge the same fees; and

WHEREAS, students often do not realize that optional services may result in the assessment of substantial fees;

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

That the Legislative Management study the extent to which North Dakota institutions of higher education are contracting with companies that specialize in managing refund operations, whether such companies are offering online financial and banking services to North Dakota students, and whether the students are being given full, complete, and readily comprehensible information regarding the array of services being offered, the fees being charged, and other options that are available for the control and management of their financial resources; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 22, 2011