

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 625

HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)
(Budget Committee on Human Services)

CHILD SUPPORT COLLECTION ON RESERVATIONS STUDY

A concurrent resolution directing the Legislative Council to study the legal and enforcement issues relating to child support collections on Indian reservations, including state and tribal court jurisdictions, recognition of income withholding orders, and logistics involved in transferring child support collected to custodial parents.

WHEREAS, the state of North Dakota has limited jurisdiction on Indian reservations and seeks to resolve problems and issues between the two governments in a respectful and trusting manner; and

WHEREAS, some tribal entities do not recognize child support income withholding orders unless issued from a tribal court; and

WHEREAS, separate child support payment records may be maintained by the State of North Dakota and a sovereign Indian Nation, creating the potential for unnecessary collection activities and delays in transferring child support collected to custodial parents; and

WHEREAS, federal regulations recently have been adopted providing for direct funding of tribal child support enforcement programs; and

WHEREAS, counties with Indian reservations have difficulty providing their share of regional child support enforcement unit costs in part because reservation and other tribal land within the county is not taxable; and

WHEREAS, the Supreme Court's Committee on Tribal and State Court Affairs, which includes representatives of both state and tribal courts, is reviewing issues relating to recognition of income withholding orders; and

WHEREAS, some regional child support enforcement units no longer attempt to file child support income withholding orders in tribal courts due to past failed experiences and staff time involved;

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

That the Legislative Council study the legal and enforcement issues relating to child support collections on Indian reservations, including state and tribal court

jurisdictions, recognition of income withholding orders, and logistics involved in transferring child support collected to custodial parents; 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 Sixtieth Legislative Assembly.

Filed March 15, 2005

CHAPTER 626**HOUSE CONCURRENT RESOLUTION NO. 3002**

(Representatives Porter, Nelson)

(Senators Lyson, Tollefson)

HUNTING IN UNHARVESTED CROPS REPEAL URGED

A concurrent resolution urging Congress and the United States Fish and Wildlife Service to repeal the regulations restricting the hunting of migratory waterfowl on agricultural crops that have not been harvested and subsequently manipulated.

WHEREAS, hunting migratory waterfowl is one of the primary recreational pursuits of the citizens of North Dakota; and

WHEREAS, access to prime migratory waterfowl hunting areas in North Dakota is becoming increasingly difficult; and

WHEREAS, regulations adopted by the United States Fish and Wildlife Service provide that if an agricultural crop or a portion of an agricultural crop has not been harvested due to equipment failure, weather, insect infestation, or disease and the crop or the remaining portion of the crop has been manipulated, the area is considered to be a baited area and cannot be legally hunted for waterfowl; and

WHEREAS, when agricultural crops are not harvested due to adverse weather conditions and the crop is subsequently manipulated, that area should not be considered to be a baited area and the hunting of migratory waterfowl should be allowed on that area;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States and the United States Fish and Wildlife Service to repeal the regulations restricting the hunting of migratory waterfowl on agricultural crops that have not been harvested and subsequently manipulated; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the Interior, the director of the United States Fish and Wildlife Service, the director of the United States Fish and Wildlife Services Mountain-Prairie Region Office by certified mail with return receipt requested, and to each member of the North Dakota Congressional Delegation by first-class mail.

Filed April 11, 2005

CHAPTER 627**HOUSE CONCURRENT RESOLUTION NO. 3005**

(Representatives Skarphol, Glassheim, Svedjan)
(Senators Andrist, Klein)

STATE LAND UTILIZATION STUDY

A concurrent resolution directing the Legislative Council to seek information identifying state-owned real estate and study the utilization of real estate owned by state agencies and institutions, the best use of state-owned real estate, and whether the state should establish and maintain an inventory of state-owned real estate.

WHEREAS, during budget tours of state institutions during the 2003-04 interim, budget tour groups received information regarding the utilization of state-owned real estate; and

WHEREAS, the budget tour groups identified real estate that is not currently utilized for institutional needs; and

WHEREAS, a study of this issue could result in putting some real estate owned by the state to better use; and

WHEREAS, a review of how state real estate was acquired is needed to determine what options are available for the best future use of the real estate; and

WHEREAS, the establishment of an inventory of state agency-owned and institution-owned real estate and the designation of a single agency or a combination of agencies to manage this real estate may benefit the state;

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

That the Legislative Council seek information from state agencies and institutions identifying state-owned real estate and study the utilization of real estate owned by state agencies and institutions, the best use of state-owned real estate, and whether the state should establish and maintain a detailed inventory of state-owned real estate; 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 Sixtieth Legislative Assembly.

Filed April 11, 2005

CHAPTER 628

HOUSE CONCURRENT RESOLUTION NO. 3006

(Representatives Maragos, Kretschmar)

(Senators Flakoll, Syverson)

MARIS HALL OF FAME INDUCTION URGED

A concurrent resolution recognizing Roger Maris on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame.

WHEREAS, Roger Maris was an outstanding athlete in several competitive sports at Fargo Shanley High School, played professional baseball in Fargo, and went on to play for four major league baseball teams in both major leagues in a distinguished 12-year major league career; and

WHEREAS, Roger Maris hit 275 career home runs and drove in 851 runs in major league regular season play and played a key role in the success of seven World Series teams and three World Champion teams and is among a handful of players to hit a World Series home run for a team from each league; and

WHEREAS, Roger Maris captured the attention and imagination of America as few in the sports world have, when his outstanding season challenged and surpassed baseball's most cherished record held by the immortal Babe Ruth, and Roger Maris accomplished the unparalleled feat of hitting 61 home runs against 46 different pitchers while striking out only 67 times during the 1961 season, a feat made more remarkable by the unceasing pressure exerted upon him by the press and public attention; and

WHEREAS, Roger Maris was a fleet outfielder, renowned equally for his skill with a glove as for his prowess as an outstanding hitter, and displayed remarkable abilities on defense for which he received a Gold Glove Award; and

WHEREAS, Roger Maris was selected as the most valuable player in the American League in consecutive seasons, 1960 and 1961, and probably achieved more in baseball with less appreciation from sportswriters and fans than any other player, which is an injustice that could be rectified by the Committee on Baseball Veterans; and

WHEREAS, members of the Committee on Baseball Veterans, being among the greatest to ever play the game, can appreciate better than sportswriters ever could that Roger Maris was among the elite players of his era and what he endured in his career; and

WHEREAS, until his death in 1985, Roger Maris gave unsparingly of himself to causes for the assistance of deprived, handicapped, and underprivileged children and adults and served with Shirley Temple Black as cochairman of the national campaign for the Multiple Sclerosis Society in 1962; and

WHEREAS, Roger Maris was the recipient of the Theodore Roosevelt Rough Rider Award in 1963, which is the highest recognition the state of North Dakota can bestow upon present or former North Dakotans;

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

That the Fifty-ninth Legislative Assembly takes great pleasure in recognizing Roger Maris for his outstanding accomplishments both in and out of major league baseball and respectfully urges the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame as a well-deserved tribute to his outstanding major league career and his inspiration to youth through his exemplary conduct on and off the baseball diamond; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to each member of the Committee on Baseball Veterans of the Baseball Hall of Fame.

Filed January 20, 2005

CHAPTER 629**HOUSE CONCURRENT RESOLUTION NO. 3007**

(Representatives Weiler, Berg, Boucher)
(Senators O'Connell, Stenehjem)

NORTH DAKOTA CLOSE-UP DAY

A concurrent resolution declaring Monday, February 14, 2005, "North Dakota Close-Up Day".

WHEREAS, the North Dakota Close-Up program is designed to ignite interest in the democratic process and instill in young people the desire to become active participants in their government; and

WHEREAS, the North Dakota Close-Up program concentrates on the functions and structures of state government and defines constitutional responsibilities assigned to each of the three branches of government; and

WHEREAS, the focus of the 2005 North Dakota Close-Up program is the legislative branch of government; and

WHEREAS, the North Dakota Close-Up program has been in existence nearly two decades; and

WHEREAS, it is anticipated that nearly 200 North Dakota high school students will participate in the 2005 North Dakota Close-Up program;

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

That the Fifty-ninth Legislative Assembly declares Monday, February 14, 2005, "North Dakota Close-Up Day"; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Council of Educational Leaders.

Filed March 29, 2005

CHAPTER 630**HOUSE CONCURRENT RESOLUTION NO. 3009**

(Representatives Nicholas, Brandenburg, Froelich, Gulleson, Herbel)
(Senator Erbele)

**MAINTENANCE OF CANADIAN BEEF RESTRICTIONS
URGED**

A concurrent resolution urging the United States Department of Agriculture to maintain trade restrictions on all Canadian cattle and on all edible bovine meat products derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed.

WHEREAS, on December 29, 2004, the United States Department of Agriculture announced that Canada would be designated a minimal-risk region for bovine spongiform encephalopathy and that trade of cattle and bovine meat products would resume as of March 7, 2005; and

WHEREAS, cattle producers in this country support the normalization of trade with Canada but urge that the normalization be based on sound science to ensure the long-term health of their cattle, the long-term viability of the cattle industry, and continued consumer confidence in this country's meat supply; and

WHEREAS, trade in cattle and edible bovine meat products should not resume with Canada until such trade is reestablished with Japan, South Korea, and Mexico; until verification exists of Canadian compliance measures; and until sufficient scientifically based protocols are established to eliminate bovine spongiform encephalopathy from international trade channels;

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

That the Fifty-ninth Legislative Assembly urges the United States Department of Agriculture to maintain trade restrictions on all Canadian cattle and on all edible bovine meat products derived from cattle of Canadian origin until various health, safety, and economic concerns can be satisfactorily addressed; 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 the United States Department of Agriculture, and to each member of the North Dakota Congressional Delegation.

Filed March 4, 2005

CHAPTER 631**HOUSE CONCURRENT RESOLUTION NO. 3010**

(Representatives Porter, R. Kelsch)

(Senator Cook)

BROWNFIELDS AND SUPERFUND STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state Brownfields law; superfund law; other efforts to encourage the remediation and redevelopment of sites on which there has been a release of pollution, contaminants, or petroleum; and measures to encourage property owners to invest in and redevelop these sites.

WHEREAS, the city of Mandan has experienced adverse economic conditions as a result of a petroleum release in that city; and

WHEREAS, other cities and localities in North Dakota may suffer adverse economic impacts if similar petroleum release sites are discovered; and

WHEREAS, the state has not enacted a state Brownfields or superfund law or established a remediation fund to clean up and rehabilitate such sites; and

WHEREAS, the remediation and rehabilitation of Brownfields will ensure the long-term economic viability of these areas and the cities and localities in which such sites are located;

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

That the Legislative Council study the feasibility and desirability of establishing a state Brownfields law; superfund law; other efforts to encourage the remediation and redevelopment of sites on which there has been a release of pollution, contaminants, or petroleum; and measures to encourage property owners to invest in and redevelop these sites; 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 Sixtieth Legislative Assembly.

Filed March 18, 2005

CHAPTER 632**HOUSE CONCURRENT RESOLUTION NO. 3011**

(Representatives Monson, S. Kelsh, Nelson)
(Senators Grindberg, Heitkamp)

HYDROGEN AND ENERGY RESEARCH URGED

A concurrent resolution urging the state's public research institutions of higher education to participate in a regional hydrogen and energy research and education consortium.

WHEREAS, the state's public research institutions of higher education possess important strengths in different areas that should be meshed for a strong regional presence in the national hydrogen and energy research arena; and

WHEREAS, some of this collaboration already occurs, but this collaboration often runs counter to the institutional culture of academia; and

WHEREAS, there is significant interest in the pursuit of a regional consortium to maximize institutional strengths and synergies to make this region's research and higher education institutions more competitive in attracting federal and private funds; and

WHEREAS, the formation of a regional hydrogen and energy consortium would provide many benefits for the economy of North Dakota and the well-being of its citizens;

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

That the Fifty-ninth Legislative Assembly urges the state's public research institutions of higher education to participate in a regional hydrogen and energy research and education consortium; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, chancellor of the Board of Higher Education, the president of the University of North Dakota, the president of North Dakota State University, the director of the Energy and Environmental Research Center at the University of North Dakota, and the chairman of the School of Engineering at North Dakota State University.

Filed March 29, 2005

CHAPTER 633

HOUSE CONCURRENT RESOLUTION NO. 3013

(Representatives Aarsvold, Wald, Wieland)
(Senators Nelson, Wardner, Warner)

MOTOR VEHICLE CRASH STUDY

A concurrent resolution directing the Legislative Council to study the causes of and factors that reduce the severity of motor vehicle crashes.

WHEREAS, certain categories of drivers pose a higher risk to the safety of the driving public, especially young male drivers; and

WHEREAS, the severity of bodily injury caused by motor vehicle crashes may be reduced by engineering, occupant protection, and training; and

WHEREAS, motor vehicle crashes are attributed to many causes, including distracted driving, drugs, alcohol, and inexperience and these causes may be prevented through education, enforcement, and engineering; and

WHEREAS, this state and other states have implemented a number of responses to the causes of accidents and there have been many other ideas that address the causes of accidents for which evaluating the success and then adopting the most successful into this state's law may provide safer highways;

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

That the Legislative Council study the causes of and factors that reduce the severity of motor vehicle crashes; 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 Sixtieth Legislative Assembly.

Filed March 22, 2005

CHAPTER 634**HOUSE CONCURRENT RESOLUTION NO. 3014**

(Representatives DeKrey, Horter, R. Kelsch)
(Senators Grindberg, Traynor, Triplett)

JUDICIAL ELECTIONS STUDY

A concurrent resolution directing the Legislative Council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections.

WHEREAS, district judges and supreme court justices in North Dakota are elected on a no-party ballot; and

WHEREAS, the North Dakota Code of Judicial Conduct prohibits judges and candidates for judicial offices from engaging in most political activities, personally soliciting campaign funds, and making statements regarding issues likely to come before a court; and

WHEREAS, recent decisions by federal courts in other jurisdictions which have invalidated various restrictions on the activities of candidates for judicial offices may have a significant impact on the conduct of judicial elections in this state;

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

That the Legislative Council study judicial elections and recent federal court decisions affecting the conduct of judicial elections; 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 Sixtieth Legislative Assembly.

Filed March 29, 2005

CHAPTER 635**HOUSE CONCURRENT RESOLUTION NO. 3016**

(Government and Veterans Affairs Committee)

VETERANS' SERVICES DELIVERY STUDY

A concurrent resolution directing the Legislative Council to study the delivery of veterans' services by the state and counties.

WHEREAS, so long as the people of this state live free there will be veterans that have sacrificed to secure that freedom; and

WHEREAS, these veterans are entitled to a number of state and federal benefits and may seek advice and aid from the Department of Veterans' Affairs or a county veterans' service officer in obtaining these benefits; and

WHEREAS, there is uncertainty as to whether the current service delivery system at the state and county level is sufficient and effective; and

WHEREAS, there are veterans' service officers in the 53 counties of this state and these officers have difficulties in the provision of services to veterans because of part-time status, lack of funding, and lack of resources; and

WHEREAS, it is difficult to find and train qualified officers and consolidation of officers may be a viable means of creating full-time, well-funded, well-qualified, well-trained, and adequately compensated veterans' service officers;

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

That the Legislative Council study the delivery of veterans' services by the state and counties; 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 Sixtieth Legislative Assembly.

Filed March 15, 2005

CHAPTER 636

HOUSE CONCURRENT RESOLUTION NO. 3017

(Representatives Kerzman, L. Meier, Thoreson)
(Senators Erbele, Robinson)

HUMAN LIFE CONSTITUTIONAL AMENDMENT URGED

A concurrent resolution urging Congress to pass a human life amendment to the Constitution of the United States.

WHEREAS, the Legislative Assembly finds that the state of North Dakota has a compelling and paramount interest in the preservation and protection of the life of all human beings; and

WHEREAS, the Legislative Assembly finds that the life of a human being should be protected at every stage of biological development; and

WHEREAS, the Legislative Assembly finds that abortion procedures impose significant risks to the health and life of the pregnant mother, including subjecting her to significant risk of severe depression, suicidal ideation, suicide, attempted suicide, posttraumatic stress disorders, physical injury, and a greater risk of death than risks associated with carrying the unborn child to full term and childbirth; and

WHEREAS, the inalienable right to life is found not only in the Declaration of Independence but also in the Constitution of the United States which the senators and representatives of Congress, the members of the several state legislatures, and all federal and state executive and judicial officers are sworn to preserve, protect, and defend; and

WHEREAS, the 5th and 14th Amendments to the Constitution of the United States guarantee that no person may be deprived of life without due process of law; and

WHEREAS, Congress has the power and responsibility to enforce the guarantees contained in the 5th, 13th, and 14th Amendments to the Constitution of the United States of America, which guarantee to all persons the right not to be deprived of life without due process of law, the right to the equal protection of the law, and the right to be free from involuntary servitude and the power to enforce such guarantees includes the power to expand the definition of persons entitled to such guarantees; and

WHEREAS, abortion is a deprivation of the right to life and the right to the equal protection of the law and is the ultimate manifestation of the involuntary servitude of one human being to another;

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

That the Fifty-ninth Legislative Assembly strongly urges the Congress of the United States to pass and all state executive and judicial officers to support an

amendment to the Constitution of the United States recognizing that the inalienable right to life is vested in each human being and guaranteeing that no human being may be deprived the equal protection of the law without due process; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Governor of North Dakota, and the Chief Justice of the North Dakota Supreme Court.

Filed April 11, 2005

CHAPTER 637

HOUSE CONCURRENT RESOLUTION NO. 3019

(Representatives Froelich, Brandenburg, Kerzman, Kretschmar)
(Senators Erbele, Krauter)

LAKE OAHE WATER RETENTION URGED

A concurrent resolution urging the United States Army Corps of Engineers to retain sufficient water in the upper portion of Lake Oahe to ensure a stable water supply for the residents of the Standing Rock Indian Reservation and surrounding communities, complimenting the Governor and the Attorney General on their efforts, and urging them to continue their actions to ensure federal officials retain sufficient water in the upper portion of Lake Oahe to protect the health and well-being of the citizens of the area.

WHEREAS, the Pick-Sloan Project, as authorized in the Flood Control Act of 1944, as amended, provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska, Missouri, and Kansas through construction of large reservoirs in states lying upstream from these states; and

WHEREAS, the Pick-Sloan Project reservoirs have been in place for many years, thus providing downstream states in the Missouri River Basin all the benefits promised in the Pick-Sloan Project; and

WHEREAS, construction of facilities under the Pick-Sloan Project has, to date, resulted in billions of dollars in flood protection to downstream interests and has allowed these downstream interests to develop the original flood plain of the Missouri River for industrial, municipal, and agricultural uses; 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, due to unprecedented drought in the upper Missouri River Basin, the upper basin reservoirs, including Lake Oahe, are at historically low levels; and

WHEREAS, the low level of Lake Oahe has made it difficult and expensive for residents of the Standing Rock Indian Reservation and surrounding communities to access the reservoir for drinking water and other domestic, recreational, and agricultural purposes, thus endangering their health and well-being;

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

That the Fifty-ninth Legislative Assembly urges the United States Army Corps of Engineers to retain sufficient water in the upper portion of Lake Oahe to ensure a stable water supply for the residents of the Standing Rock Indian Reservation and surrounding communities, compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions to ensure federal officials retain

sufficient water in the upper portion of Lake Oahe to protect the health and well-being of the citizens of the area; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor; the Attorney General; the District Engineer, Omaha District, United States Army Corps of Engineers; the Division Commander of the Northwestern Division of the United States Army Corps of Engineers; the Secretary of the Army; the Secretary of the Interior; and each member of the North Dakota Congressional Delegation.

Filed March 22, 2005

CHAPTER 638**HOUSE CONCURRENT RESOLUTION NO. 3020**

(Representatives Berg, Boucher, Nicholas)
(Senators Flakoll, O'Connell, Stenehjem)

AGRICULTURAL DISASTER ASSISTANCE URGED

A concurrent resolution urging Congress to implement the 2003-04 emergency agricultural disaster assistance legislation in the same manner as the 2001-02 legislation.

WHEREAS, during the 2004 growing season, the state of North Dakota experienced severe and extreme weather conditions which had disastrous results to the agricultural economy; and

WHEREAS, the severe and extreme weather conditions also caused drought, which resulted in ranchers having to reduce the size of their herds; and

WHEREAS, the United States Congress has enacted emergency agricultural disaster assistance legislation that parallels the agricultural disaster assistance legislation of 2001-02; and

WHEREAS, the United States Secretary of Agriculture is implementing the emergency agricultural disaster assistance legislation;

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

That the Fifty-ninth Legislative Assembly urges the United States Secretary of Agriculture to implement the 2003-04 emergency agricultural disaster assistance legislation in the same manner as the 2001-02 legislation; to specifically include paragraph 83 of the 5-DAP handbook, which grants to the Farm Service Agency's Technical Committee the authority to provide quality loss payments according to commodity market discounts prevalent in each state; to use pertinent commodity price data to accurately calculate the value of a commodity for purposes of imposing the 95 percent cap; and to recognize losses associated with herd reductions during the year of loss and losses associated with continuing herd reductions due to drought conditions; 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 the United States Department of Agriculture, the United States Department of Agriculture Farm Service Agency administrator of farm programs, and to each member of the North Dakota Congressional Delegation.

Filed March 2, 2005

CHAPTER 639

HOUSE CONCURRENT RESOLUTION NO. 3021

(Representatives Froelich, Boucher, Kempenich, Nicholas)

(Senators Erbele, O'Connell)

BAN ON IMPORTATION OF CANADIAN BEEF URGED

A concurrent resolution urging the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible beef products from Canada and other countries where bovine spongiform encephalopathy is present.

WHEREAS, on January 4, 2005, the United States Department of Agriculture published a final rule relaxing restrictions on imports of live cattle and edible beef products from countries known to have bovine spongiform encephalopathy; and

WHEREAS, despite the discovery of bovine spongiform encephalopathy-infected cattle in Canada and the subsequent discovery of a bovine spongiform encephalopathy-infected cow that had been imported from Canada, and in contravention of the United States Department of Agriculture's preexisting policy and international practice not to accept cattle or edible bovine products from a country with bovine spongiform encephalopathy infection, United States Department of Agriculture representatives, up to and including the Secretary of Agriculture and other administration officials, made numerous statements in advance of any meaningful scientific analysis and before completion of the rulemaking process; and

WHEREAS, the United States Department of Agriculture's failure to apply precautionary principles inherent in the legislation it implements and its emphasis of certain economic interests and foreign policy concerns over the health and well-being of United States consumers, cattle, and cattle producers makes the United States Department of Agriculture's issuance of the final rule an action in excess of and inconsistent with its statutory authority; and

WHEREAS, the North Dakota cattle industry is best served by such decisions being based upon sound science rather than political and foreign policy consideration; and

WHEREAS, a legal action enjoining implementation of the United States Department of Agriculture rule and enjoining the importation into the United States of all live cattle from Canada and all edible beef products derived from cattle of Canadian origin has been filed in the United States district court in Billings, Montana; and

WHEREAS, other legal action may be necessary to protect the integrity of the United States cattle herd and the interests of the United States consumer;

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

That the Fifty-ninth Legislative Assembly urges the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible

beef products from Canada and other countries where bovine spongiform encephalopathy is present; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, and the Secretary of the United States Department of Agriculture.

Filed March 4, 2005

CHAPTER 640**HOUSE CONCURRENT RESOLUTION NO. 3022**

(Representatives Sandvig, Charging, S. Meyer)
(Senators Bercier, Every, Triplett)

CERVICAL CANCER STUDY

A concurrent resolution directing the Legislative Council to study data regarding cervical cancer and human papillomavirus, evaluate current methods of public education and access to regular cervical cancer screening, and consider options for increasing screening accuracy.

WHEREAS, cervical cancer is the second most common cancer in women worldwide after breast cancer; and

WHEREAS, according to United States cervical cancer statistics, cervical cancer is the third most common gynecological cancer among American women, accounting for approximately 12,200 new cases diagnosed annually, with 4,100 of these cases resulting in fatalities; and

WHEREAS, cervical cancer cases in the United States are generally attributed to lack of education, lack of access to regular cervical cancer screening, and lack of screening accuracy; and

WHEREAS, new screening technologies, including Food and Drug Administration-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, women are entitled to proper cervical cancer information, so that they can be empowered to make informed health care decisions, and to access to routine screening, including the most accurate methods available;

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

That the Legislative Council study data regarding cervical cancer and human papillomavirus, evaluate current methods of public education and access to regular cervical cancer screening, and consider options for increasing screening accuracy; 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 Sixtieth Legislative Assembly.

Filed March 15, 2005

CHAPTER 641**HOUSE CONCURRENT RESOLUTION NO. 3023**

(Representatives Delmore, Glassheim, Price)
(Senators Espegard, Fischer, Krebsbach)

MILITARY BASES SUPPORT URGED

A concurrent resolution urging the Base Realignment and Closure Commission, the Secretary of Defense, and the President of the United States to support the continued maintenance of the military bases in North Dakota.

WHEREAS, in 2005 there will be recommendations for military base closures as part of the base realignment and closure rounds, as provided by Congress and supported by the President of the United States and the Department of Defense; and

WHEREAS, the state of North Dakota has three distinct and important military installations: the Grand Forks Air Force Base, the Minot Air Force Base, and the Fargo Air National Guard Base; and

WHEREAS, each North Dakota military base is a critical component to the armed forces that serve our country and the value of each base is clearly demonstrable through the established criteria of the 2005 base realignment and closure rounds; and

WHEREAS, the 319th Air Refueling Wing, the Warriors of the North, in Grand Forks, is critical to the armed forces capacity to effectively produce a worldwide response by the United States Air Force; and

WHEREAS, the 5th Bomb Wing, one of only two B-52 wings, and the 91st Space Wing, known as the Rough Riders, located in Minot, are essential components to the United States Air Force bomber and intercontinental ballistic missile operations; and

WHEREAS, the Air National Guard 178th Fighter Squadron in Fargo, known as the Happy Hooligans, plays a key role in our nation's air response as demonstrated in flying some of the first missions over Washington, D.C., after the September 11, 2001, tragedy; and

WHEREAS, the people of North Dakota have a strong tradition of supporting the military and the military personnel who provide for the protection of this country; and

WHEREAS, the military personnel in the North Dakota military bases are an honored part of the communities in which they live and have the fullest gratitude of the people of this state for their commitment and service;

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

That the Fifty-ninth Legislative Assembly urges the Base Realignment and Closure Commission, the Secretary of Defense, and the President of the United

States to support the continued maintenance of the military bases in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Base Realignment and Closure Commission, the Secretary of Defense, the President of the United States, and to each member of the North Dakota Congressional Delegation.

Filed March 30, 2005

CHAPTER 642**HOUSE CONCURRENT RESOLUTION NO. 3024**

(Representatives Berg, Boucher)

(Senators O'Connell, Stenehjem)

TAIWAN-US FREE TRADE AGREEMENT URGED

A concurrent resolution urging the United States Secretary of Commerce to complete a Taiwan-United States free trade agreement.

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exist today; and

WHEREAS, Taiwan and the United States promote shared beliefs in freedom, democracy, and market principles; and

WHEREAS, Taiwan is the second largest market for hard red spring wheat in the world; and

WHEREAS, Taiwan imported 23,050,000 bushels of hard red spring wheat in the 2003-04 marketing year as a cash customer; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovation and new cooperative ventures for producers and entrepreneurs of both nations; and

WHEREAS, a Taiwan-United States free trade agreement would build on the strong relationship between Taiwan and the United States by simultaneously enhancing security and democracy and serving the broader interests of the United States in the Asia-Pacific region;

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

That the Fifty-ninth Legislative Assembly urges the United States Secretary of Commerce to complete a Taiwan-United States free trade agreement; and

BE IT FURTHER RESOLVED, that the Fifty-ninth Legislative Assembly is supportive of all efforts to grant Taiwan official observer status at the World Health Assembly because Taiwan has had substantial achievements in the field of health, Taiwan has been a collaborative partner of the United States on a wide range of public health issues, and Taiwan can have a major regional and even global impact on people's health and well-being; 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 Secretary of State, the United States Secretary of Commerce, the United States Secretary of Health and Human Services, the United States Trade Representative, and to each member of the North Dakota Congressional Delegation.

CHAPTER 643**HOUSE CONCURRENT RESOLUTION NO. 3025**

(Representatives Ruby, Bellew)

CHILD VISITATION STUDY

A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to the issuance and enforcement of child visitation orders.

WHEREAS, approximately 70 percent of the caseload of North Dakota courts involves issues related to family law, including divorce, custody, and visitation as well as modifications to custody and visitation; and

WHEREAS, every child has a right to be guided, nurtured, and supported emotionally and physically by both parents regardless of the parents' marital status; and

WHEREAS, North Dakota Century Code Section 14-09-28 provides that each parent of a child has certain rights and duties with respect to custody and visitation; and

WHEREAS, concerns have been expressed that there are inequities in the enforcement of child visitation orders in the state;

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

That the Legislative Council study the issues of fairness and equity as they relate to the issuance and enforcement of child visitation orders; 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 Sixtieth Legislative Assembly.

Filed March 22, 2005

CHAPTER 644**HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representatives Onstad, Delzer, Drovdal)
(Senators Heitkamp, Lyson)

LAKE SAKAKAWEA LEVEL MAINTENANCE URGED

A concurrent resolution urging the United States Army Corps of Engineers to maintain the level of Lake Sakakawea at a minimum elevation of 1,825 feet mean sea level.

WHEREAS, the state of North Dakota, the Standing Rock Sioux Tribe, and the Three Affiliated Tribes have a right to utilize the water of the Missouri River; and

WHEREAS, downstream states in the Missouri River Basin have recognized all of the benefits of the Pick-Sloan Plan and these states owe a debt to North Dakota for allowing the construction of Missouri River dams in the upper basin; and

WHEREAS, North Dakota has not recognized its share of benefits promised in the Pick-Sloan Plan; and

WHEREAS, tourism, recreation, and the well-being of the citizens and communities in North Dakota depend upon an adequate and dependable source of water; and

WHEREAS, the future development of industry and businesses in North Dakota also depends upon an adequate and dependable source of water; and

WHEREAS, irrigation development in North Dakota depends upon an adequate and dependable source of water; and

WHEREAS, wildlife, including several endangered species, is being threatened by the low level of Lake Sakakawea;

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

That the Fifty-ninth Legislative Assembly urges the United States Army Corps of Engineers to maintain the level of Lake Sakakawea at a minimum elevation of 1,825 feet mean sea level; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Division Commander of the Northwestern Division of the United States Army Corps of Engineers; the Secretary of the Army; the Secretary of the Interior; the District Engineer, Omaha District, United States Army Corps of Engineers; the Governor; each member of the State Water Commission; and each member of the North Dakota Congressional Delegation.

Filed March 28, 2005

CHAPTER 645

HOUSE CONCURRENT RESOLUTION NO. 3027

(Representatives S. Meyer, Haas, Kerzman, Onstad)

(Senators Krauter, Wardner)

LAKE SAKAKAWEA PROTECTION URGED

A concurrent resolution urging the United States Army Corps of Engineers to retain sufficient water in Lake Sakakawea to ensure a stable water supply for all water users, including municipal, rural, irrigation, and industrial, complimenting the Governor and the Attorney General on their efforts, and urging them to continue their actions to ensure federal officials retain sufficient water in Lake Sakakawea to protect the health and well-being of the citizens of western North Dakota.

WHEREAS, the Pick-Sloan Project, as authorized in the Flood Control Act of 1944, as amended, provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska, Missouri, and Kansas through construction of large reservoirs in states lying upstream from these states; and

WHEREAS, the Pick-Sloan Project reservoirs have been in place for many years, thus providing downstream states in the Missouri River Basin all the benefits promised in the Pick-Sloan Project; and

WHEREAS, construction of facilities under the Pick-Sloan Project has, to date, resulted in billions of dollars in flood protection to downstream interests and has allowed these downstream interests to develop the original flood plain of the Missouri River for industrial, municipal, and agricultural uses; 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, due to unprecedented drought in the upper Missouri River Basin, the upper basin reservoirs, including Lake Sakakawea, are at historically low levels; and

WHEREAS, the low level of Lake Sakakawea poses a threat to several communities and other users;

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

That the Fifty-ninth Legislative Assembly urges the United States Army Corps of Engineers to retain sufficient water in Lake Sakakawea to ensure a stable water supply for all water users, including municipal, rural, irrigation, and industrial, compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions to ensure federal officials retain sufficient water in Lake Sakakawea to protect the health and well-being of the citizens of western North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor; the Attorney General; the District Engineer, Omaha District, United States Army Corps of Engineer; the Division Commander of the Northwestern Division of the United States Army Corps of Engineers; the Secretary of the Army; the Secretary of the Interior; and each member of the North Dakota Congressional Delegation.

Filed March 30, 2005

CHAPTER 646**HOUSE CONCURRENT RESOLUTION NO. 3028**

(Representatives Damschen, Bellew, DeKrey, Uglen)
(Senator Dever)

**ENERGY-INTENSIVE ECONOMIC DEVELOPMENT
STUDY**

A concurrent resolution directing the Legislative Council to study utilization of the state's abundant energy resources to attract energy-intensive economic development projects to the state.

WHEREAS, this state possesses abundant energy resources, including both fossil fuels such as coal and oil and gas and renewable resources such as wind; and

WHEREAS, the state's energy producers have encountered significant obstacles in transmitting energy generated in this state to markets located outside the borders of this state; and

WHEREAS, one method to utilize the state's abundant energy resources would be to locate energy-intensive industries in this state; and

WHEREAS, location of energy-intensive industries in this state would not only allow the state to utilize its abundant sources of energy but would create much-needed jobs and population growth in the state;

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

That the Legislative Council study utilization of the state's abundant energy resources to attract energy-intensive economic development projects to the 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 Sixtieth Legislative Assembly.

Filed March 29, 2005

CHAPTER 647**HOUSE CONCURRENT RESOLUTION NO. 3029**

(Representatives Conrad, Thorpe, Timm)
(Senators Krebsbach, Seymour, Tollefson)

NAWS PROJECT SUPPORT

A concurrent resolution expressing the Legislative Assembly's support for continued construction of the Northwest Area Water Supply Project.

WHEREAS, many areas and localities in northwestern North Dakota do not enjoy safe drinking water, and the water in these areas and localities contains iron, sulfates, alkali, salt, nitrates, fluoride, and other hazardous and discoloring substances; and

WHEREAS, many areas and localities in northwestern North Dakota do not have sufficient quantities of water to ensure a dependable long-term supply; and

WHEREAS, supplementation of the water resources of northwestern North Dakota with water supplies from the Missouri River utilizing a pipeline transmission and delivery system may be the only alternative to provide northwestern North Dakota with a safe, good quality, dependable source, and adequate quantity of water; and

WHEREAS, the Fifty-second Legislative Assembly directed the State Water Commission to develop a pipeline transmission and delivery system to deliver water supplies from the Missouri River and other sources to areas and localities in northwestern North Dakota; and

WHEREAS, the State Water Commission has entered contracts with the cities of Minot, Mohall, Bottineau, Kenmare, Berthold, and others for delivery of water through the Northwest Area Water Supply Project; and

WHEREAS, the Northwest Area Water Supply Project has been under construction since April 2002; and

WHEREAS, the cities that have contracted with the State Water Commission for water delivery to address water supply issues, noncompliance with federal Environmental Protection Agency regulations, and other similar potable water issues do need the Northwest Area Water Supply Project;

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

That the Fifty-ninth Legislative Assembly expresses its support for continued construction of the Northwest Area Water Supply Project; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, State Engineer, each member of the State Water Commission, the President of the United States, the Secretary of the Interior, the Commissioner of Reclamation, the Prime Minister of Canada, the Minister of Foreign Affairs of Canada, the Premier of the Province of Manitoba, and each member of the North Dakota Congressional Delegation.

Filed March 30, 2005

CHAPTER 648**HOUSE CONCURRENT RESOLUTION NO. 3031**

(Representatives Berg, Boucher)

(Senators O'Connell, Stenehjem)

TRIBAL-STATE RELATIONS STUDY

A concurrent resolution directing the Legislative Council to study issues relating to tribal-state relations, including methods for encouraging greater tribal-state cooperation; the promotion of economic development on Indian reservations in the state; the identification and study of health care, child welfare services, social services, environmental protection, education, and law enforcement issues on the reservations; the identification and study of the social and fiscal impact of providing social services in counties within and adjacent to the reservations; and the identification and proposals for the resolution of the water issues affecting the state and the tribes.

WHEREAS, there are five federally recognized Indian tribes and bands in this state, each with a unique history and unique concerns; and

WHEREAS, each of these tribes and bands is a separate and independent political community with a sovereign government that is distinct and separate from the state; and

WHEREAS, tribal governments in this state administer many programs, including state programs, which provide benefits to tribal and nontribal members, such as child welfare services, health care services, social services, environmental protection, education, and law enforcement; and

WHEREAS, there is a need for state and tribal governments to discuss matters of mutual concern in a government-to-government relationship; and

WHEREAS, the Indian tribes and bands in this state and the state of North Dakota should have a mutual respect for each other and should strive to improve communications on issues of mutual concern; and

WHEREAS, a study of tribal-state issues would assist in resolving potential conflicts, maximizing key intergovernmental relations, and enhancing an exchange of ideas and resources for the greater good of all North Dakota residents, whether tribal members or not;

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

That the Legislative Council study issues relating to tribal-state relations, including methods for encouraging greater tribal-state cooperation; the promotion of economic development on Indian reservations in the state; the identification and study of health care, child welfare services, social services, environmental protection, education, and law enforcement issues on the reservations; the identification and study of the social and fiscal impact of providing social services in counties within

and adjacent to the reservations; and the identification and proposals for the resolution of the water issues affecting the state and the tribes; and

BE IT FURTHER RESOLVED, that the Legislative Council may assign portions of this study to appropriate interim committees; 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 Sixtieth Legislative Assembly.

Filed April 11, 2005

CHAPTER 649**HOUSE CONCURRENT RESOLUTION NO. 3033**

(Representatives Damschen, DeKrey, Uglen)

**WETLAND MITIGATION REQUIREMENTS REMOVAL
URGED**

A concurrent resolution urging Congress to remove wetland mitigation requirements from highway construction projects.

WHEREAS, North Dakota is undergoing highway construction projects throughout the state; and

WHEREAS, the cost of highway construction projects could be reduced by reviewing various factors, including wetlands mitigation; and

WHEREAS, North Dakota's interest in preserving wetlands should be addressed on a state rather than federal level; and

WHEREAS, North Dakota manages the state's natural resources in highway construction projects based on balancing the competing public interests of wetlands preservation and local, state, and national transportation needs;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States to remove wetlands mitigation requirements from highway construction projects; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Federal Highway Administration, the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, and to each member of the North Dakota Congressional Delegation.

Filed March 28, 2005

CHAPTER 650**HOUSE CONCURRENT RESOLUTION NO. 3034**

(Representatives Sandvig, L. Meier, Sitte)
(Senators Erbele, Triplett)

SCHOOL RECESS URGED

A concurrent resolution urging school districts to provide a midmorning and midafternoon recess to all students in kindergarten through grade six.

WHEREAS, the Women-in-Government task force on obesity recommends more exercise for school-age children; and

WHEREAS, the benefits of regular exercise include burning excess calories, controlling weight, increasing learning responses, relieving symptoms of depression, and improving symptoms associated with attention deficit hyperactivity disorder; and

WHEREAS, recess creates a supportive environment for children and allows them to incorporate regular physical activity into their daily lives; and

WHEREAS, recess provides children with discretionary time and opportunities to engage in physical activities that lead to healthy bodies and enjoyment of movement; and

WHEREAS, recess results in enhanced cognitive abilities and facilitates improved attention in the classroom; and

WHEREAS, recess is an essential component of the total educational experience for elementary schoolchildren;

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

That the Fifty-ninth Legislative Assembly urges each school district to provide a midmorning and midafternoon recess of at least 10 minutes to all students in kindergarten through grade six; and

BE IT FURTHER RESOLVED, that school district administrators direct that recesses be held indoors during inclement weather and ensure that students are given the opportunity to engage in physical exercise during each recess; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each school district administrator and to each elementary school principal in this state.

Filed March 29, 2005

CHAPTER 651**HOUSE CONCURRENT RESOLUTION NO. 3036**

(Representatives Glassheim, Carlson, Skarphol)
(Senator Grindberg)

CONTINUING APPROPRIATION AUTHORITY STUDY

A concurrent resolution directing the Legislative Council to study state agency and institution continuing appropriation authority.

WHEREAS, Section 34 of Senate Bill No. 2015 (2003), directed each executive branch agency or institution to report during budget presentations to the Appropriations Committees of the Fifty-ninth Legislative Assembly on statutory provisions authorizing the agency or institution to spend funds pursuant to a continuing appropriation; and

WHEREAS, the summary report provided to the Appropriations Committees was to provide justification for continuing the authority, expenditures made pursuant to the continuing appropriation, and related revenues and fund balances for the 1999-2001 biennium, the 2001-03 biennium, the 2003-05 biennium to date, and projections for the 2005-07 biennium; and

WHEREAS, the Fifty-ninth Legislative Assembly is considering legislation that would require a detailed report on state agency and institution continuing appropriations, including related expenditures, revenues, and fund balances for the current biennium and projected for the next biennium to be part of the budget data presented to the Legislative Assembly by the Office of Management and Budget; and

WHEREAS, a study will provide the Legislative Council with an opportunity to further review the statutory provisions authorizing the expenditure of funds pursuant to continuing appropriation authority and justification for continuing the authority;

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

That the Legislative Council study state agency and institution continuing appropriations, the statutory authorization for the continuing appropriations, and the agency's or institution's justification for the continuing appropriation authority; 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 Sixtieth Legislative Assembly.

Filed April 22, 2005

CHAPTER 652**HOUSE CONCURRENT RESOLUTION NO. 3038**

(Representatives DeKrey, Horter, Porter)
(Senators Klein, Robinson, Thane)

ORGAN AND TISSUE DONATION STUDY

A concurrent resolution directing the Legislative Council to study organ and tissue donation and actions that may be taken at the regional, state, local, and private levels to increase organ and tissue donations.

WHEREAS, each day approximately 70 people receive an organ transplant, but another 16 people on waiting lists die because not enough organs are available; and

WHEREAS, from 1995 to 2000, the number of people waiting for organ transplantation increased by 80 percent, while the number of cadaveric donors grew by less than 12 percent; and

WHEREAS, in 2003, of the approximately 25,000 organ transplants performed in the United States, almost 7,000 of those donations came from living donors; and

WHEREAS, significant national, regional, state, and private consideration has been given to the topic of methods to increase organ and tissue donation, including creation of donor registries, with more than 20 states already having operational donor registries; and

WHEREAS, on April 5, 2004, President Bush signed into law the federal Organ Donation and Recovery Improvement Act, which authorizes \$25,000,000 in new resources for efforts to increase donation;

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

That the Legislative Council study organ and tissue donation and actions that may be taken at the regional, state, local, and private levels to increase organ and tissue donations; 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 Sixtieth Legislative Assembly.

Filed March 29, 2005

CHAPTER 653**HOUSE CONCURRENT RESOLUTION NO. 3039**

(Representatives Dosch, Glassheim, N. Johnson)
(Senators Krauter, Wardner)

TOURISM MARKETING STUDY

A concurrent resolution directing the Legislative Council to study the appropriate level of state-sponsored tourism marketing.

WHEREAS, tourism is the state's second largest industry, including establishments from the hostelry, food and beverage, entertainment, and retail sectors; and

WHEREAS, the business of tourism has become an undeniably important part of North Dakota's economy; and

WHEREAS, promotion of tourism throughout the state is a recognized role of the state; and

WHEREAS, the state's commitment to tourism promotion is significantly lower than that of surrounding states;

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

That the Legislative Council study the appropriate level of state-sponsored tourism marketing; 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 Sixtieth Legislative Assembly.

Filed March 29, 2005

CHAPTER 654

HOUSE CONCURRENT RESOLUTION NO. 3040

(Representatives Keiser, Carlson, Iverson, Koppelman, Ruby)

UNEMPLOYMENT INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the unemployment insurance tax rate structure; the structure's impact on the unemployment insurance trust fund, with special focus on the impact of the current unemployment insurance tax structure on new businesses; the historical cyclical risks faced by the industries in which new businesses are beginning to operate; and whether the unemployment insurance tax impact is reasonably favorable to the desired economic development of the state.

WHEREAS, the unemployment insurance tax structure can and does impact the overall economic development of the state of North Dakota; and

WHEREAS, the current unemployment insurance rate structure was defined statutorily by the Fifty-sixth Legislative Assembly, and has seen minor changes in the succeeding legislative sessions; and

WHEREAS, the Fifty-ninth Legislative Assembly considered, but did not enact, House Bill No. 1425 which would have created a new business rate for certain classes of employers; and

WHEREAS, consideration of appropriate unemployment insurance tax rates for new businesses must take into account the historical data indicating the cyclical economic risks the relevant industries have faced; and

WHEREAS, the question of the impact of unemployment insurance tax rates on new businesses needs more comprehensive study before rates are substantially changed;

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

That the Legislative Council study the unemployment insurance tax rate structure; the structure's impact on the unemployment insurance trust fund, with special focus on the impact of the current unemployment insurance tax structure on new businesses; the historical cyclical risks faced by the industries in which new businesses are beginning to operate; and whether the unemployment insurance tax impact is reasonably favorable to the desired economic development of the state; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, along with any legislation necessary to implement its recommendations, to the Sixtieth Legislative Assembly.

Filed March 29, 2005

CHAPTER 655**HOUSE CONCURRENT RESOLUTION NO. 3042**

(Representatives Kasper, Ruby, Thoreson, Weiler)
(Senators Holmberg, Klein)

IDENTITY THEFT STUDY

A concurrent resolution directing the Legislative Council to study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information belonging to another individual.

WHEREAS, identity theft is an issue of rising national importance, with the federal government as well as state governments investing significant energy into researching possible approaches to more effectively deal with this problem; and

WHEREAS, as technology continues to evolve, the opportunities for identity theft become more and more sophisticated and far-reaching; and

WHEREAS, the personal and commercial damages resulting from unauthorized use of personal identifying information are significant; and

WHEREAS, North Dakotans are being harmed by identity theft; and

WHEREAS, residents of this state have voiced a concern that North Dakota's laws do not adequately and comprehensively address the prohibition of and the penalties for identity theft;

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

That the Legislative Council study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information belonging to another individual; 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 Sixtieth Legislative Assembly.

Filed April 4, 2005

CHAPTER 656

HOUSE CONCURRENT RESOLUTION NO. 3043

(Representatives Sitte, Charging, Horter, Kreidt)

(Senators Holmberg, Triplett)

HOMELESS HOUSING STUDY

A concurrent resolution directing the Legislative Council to study the need for supportive housing and services, including emergency shelters, transition housing, and permanent supportive housing for homeless individuals and families with children.

WHEREAS, a survey of key leaders representing cities, counties, reservations, public housing authorities, banks, realtors, apartment associations, builders, and statewide housing organizations found that three out of four key leaders expressed the need for the state to play a role in increasing the supply of adequate and affordable housing; and

WHEREAS, the quality of life for homeless individuals and families with children in this state is threatened by a lack of affordable and supportive housing and services; and

WHEREAS, in November 2004 the North Dakota State University Data Center issued a statewide housing needs assessment that recommended special attention be given to housing for special needs populations, including the homeless; and

WHEREAS, there is an unmet housing need in this state for approximately 2,000 beds for homeless individuals and families with children; and

WHEREAS, the benefit of supportive housing for homeless individuals and families with children would be increased quality of life, increased length of employment, reduced time spent in emergency rooms, jails, and detoxification units, and reduced costs to the county and the state;

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

That the Legislative Council study the need for supportive housing and services, including emergency shelters, transition housing, and permanent supportive housing for homeless individuals and families with children; 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 Sixtieth Legislative Assembly.

Filed March 30, 2005

CHAPTER 657**HOUSE CONCURRENT RESOLUTION NO. 3045**

(Representatives Conrad, Delmore, Dosch, Wieland)

(Senators Fischer, Wardner)

NONPROFIT GOVERNMENT SELF-INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of authorizing nonprofit organizations to participate in a government liability self-insurance pool.

WHEREAS, many nonprofit organizations in North Dakota qualify for 501(c)(3) recognition by the federal Internal Revenue Service; and

WHEREAS, 501(c)(3) organizations provide medical and recreational services, human services, and cultural activities that may not otherwise be available; and

WHEREAS, nonprofit organizations are generally supported through charitable contributions or government contracts; and

WHEREAS, many nonprofit organizations have experienced significantly increased insurance costs in recent years even though legal claims against nonprofit organizations in this state have been minimal compared to similar organizations in other states; and

WHEREAS, although political subdivisions in the state have maintained low insurance rates through a government liability self-insurance pool, nonprofit organizations have not been afforded the opportunity to participate in the self-insurance pool; and

WHEREAS, allowing nonprofit organizations to participate in a government liability self-insurance pool would reduce costs for political subdivisions that contract for services with nonprofit organizations and reduce the portion of contributions made by the public to nonprofit organizations which must be devoted to insurance costs; and

WHEREAS, a study of methods through which nonprofit organizations could be included within a government liability self-insurance pool may determine an effective solution for reducing insurance costs for nonprofit organizations;

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

That the Legislative Council study the feasibility and desirability of authorizing nonprofit organizations to participate in a government liability self-insurance pool; 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 Sixtieth Legislative Assembly.

Filed March 15, 2005

CHAPTER 658

HOUSE CONCURRENT RESOLUTION NO. 3047

(Representatives Metcalf, Damschen, Mueller, Pollert, Uglem)
(Senator Lyson)

SENTENCING ALTERNATIVES STUDY

A concurrent resolution directing the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs.

WHEREAS, during the 2001-03 biennium, the state's inmate population increased 9.5 percent and reached an all-time high of 1,299 inmates in September 2004; and

WHEREAS, in 2001 drug crimes surpassed property crimes as the largest category of crimes for which offenders were incarcerated in the state's corrections system; and

WHEREAS, the increasing use and manufacture of methamphetamine by state residents has resulted in drug offenders being the fastest-growing segment of the state's inmate population for the third straight biennium; and

WHEREAS, recent developments in criminal justice indicate the emergence of a national movement in favor of treating, rather than incarcerating, nonviolent drug possession offenders; and

WHEREAS, these developments include drug courts, local policies that favor treatment, and statewide initiatives that divert nonviolent drug offenders to treatment instead of incarceration;

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

That the Legislative Council study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment 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 Sixtieth Legislative Assembly.

Filed April 4, 2005

CHAPTER 659**HOUSE CONCURRENT RESOLUTION NO. 3054**

(Representatives Wrangham, Charging)

(Senator J. Lee)

**CHILDREN WITH SPECIAL HEALTH CARE NEEDS
STUDY**

A concurrent resolution directing the Legislative Council to study state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed.

WHEREAS, there is a significant number of North Dakota children who have or are at risk of getting chronic physical, developmental, behavioral, or emotional conditions that require special health care needs; and

WHEREAS, in an attempt to address child special health care needs, North Dakota has adopted Part C of the Individuals With Disabilities Education Act (IDEA), which provides early intervention services for children from birth until age 3 and has adopted Part B, which provides ongoing early intervention services for children from age 3 to school; and

WHEREAS, although early intervention services offered under IDEA include case management and Medicaid, the qualifying requirements for these programs become more stringent under Part B, resulting in the eligibility disqualification of children during the transition from Part C to Part B; and

WHEREAS, 31 percent of the North Dakota children with special health care needs have inadequate health insurance; and

WHEREAS, the families of 24 percent of the North Dakota children with special health care needs experience significant financial problems due to a child's health care needs;

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

That the Legislative Council study state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed; 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 Sixtieth Legislative Assembly.

Filed March 30, 2005

CHAPTER 660

HOUSE CONCURRENT RESOLUTION NO. 3056

(Representatives Berg, Haas, Klein)
(Senators Stenehjem, Christmann, Grindberg)
(Approved by the Delayed Bills Committee)

SOCIAL SECURITY SYSTEM STRENGTHENING URGED

A concurrent resolution urging the President and Congress to reform and strengthen the Social Security system in order to ensure its viability for future generations.

WHEREAS, the President is committed to keeping the promise of Social Security for today's retirees and those nearing retirement while strengthening Social Security for our children and grandchildren; and

WHEREAS, Social Security provides a critical foundation of income for retired and disabled workers; and

WHEREAS, Social Security benefits constitute 90 percent of total income for one-third of Americans over age 65; and

WHEREAS, 114,047 North Dakotans are receiving Social Security benefits; and

WHEREAS, 81,968 North Dakotans are receiving Social Security retirement benefits; and

WHEREAS, 12,652 North Dakotans are receiving Social Security disability benefits; and

WHEREAS, 19,427 North Dakotans are receiving Social Security survivor's benefits; and

WHEREAS, 4,740 North Dakota children under age 18 are receiving Social Security benefits; and

WHEREAS, the trustees of the Social Security trust fund estimate that doing nothing to fix the Social Security system will cost Americans, as well as their children and grandchildren, an estimated \$10.4 trillion; and

WHEREAS, the trustees of the Social Security trust fund estimate that by the year 2018, the Social Security system will begin to pay out more in benefits than it takes in in revenues, with shortfalls growing larger with each passing year; and

WHEREAS, the trustees of the Social Security trust fund estimate that by the year 2042, when workers who are now in their mid-twenties begin to retire, the Social Security system will be bankrupt unless action is taken now to save it; and

WHEREAS, Social Security is sound for today's seniors and for those nearing retirement but needs to be reformed to ensure that Social Security is there for today's younger workers; and

WHEREAS, as a result of demographic changes, the current Social Security system will be unable to pay benefits scheduled for the children and grandchildren of today's beneficiaries unless enormous payroll tax increases or huge benefit cuts are enacted; and

WHEREAS, one of the tests of true leadership is to confront problems and not pass them on to the next generation; and

WHEREAS, to ensure the long-term viability of the Social Security system, the President and Congress can and should make some adjustments to improve its operation while preserving its essential character as the foundation of America's retirement system; and

WHEREAS, the President has vowed not to change benefits for today's retirees or near-retirees but desires that Social Security be permanently strengthened for our children and grandchildren, without raising payroll taxes; and

WHEREAS, the President favors voluntary personal accounts as part of a comprehensive solution to give younger workers the option to set aside a portion of their payroll taxes in an account they own and control; and

WHEREAS, workers who do not choose to have a personal account would continue to draw benefits as Americans have long done from the Social Security program; and

WHEREAS, personal accounts will provide Americans who choose to participate with an opportunity to share in the benefits of economic growth by participating in markets through sound investments;

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

That the Fifty-ninth Legislative Assembly urges the President and Congress of the United States to reform and strengthen the Social Security system in order to ensure its viability for future generations; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President, the majority and minority leaders of the United States Senate and House of Representatives, the trustees of the Social Security trust fund; and to each member of the North Dakota Congressional Delegation.

Filed April 4, 2005

CHAPTER 661

HOUSE CONCURRENT RESOLUTION NO. 3057

(Representatives Martinson, Carlisle, Dosch, Keiser, Klemin, L. Meier, Sitte, Weiler)
(Senators Dever, Kilzer, Kringstad, Stenehjelm)

WOMEN'S JUNIOR NATIONAL CURLING CHAMPIONS CONGRATULATED

A concurrent resolution congratulating Team North Dakota for winning the USA Curling Women's Junior National Championship and wishing Team North Dakota continued success as Team USA in the 2005 Women's Junior World Curling Championship in Italy.

WHEREAS, Team North Dakota, consisting of Gillian Gervais, Sarah Gervais, Stephanie Jensen, Stephanie Sambor, and Amy Hultstrand and coach David Jensen, completed a week of stellar curling by capturing the 2005 USA Curling Women's Junior National Championship in Bismarck; and

WHEREAS, Team North Dakota earned the right and the privilege to represent the United States in competition for the Women's Junior World Curling Championship in competition in Pinerolo, Italy, in March 2005; and

WHEREAS, the sport of curling is known worldwide as being a game of skill and traditions and as stated by the United States Curling Association, "A shot well executed is a delight to see and so, too, it is a fine thing to observe the time-honored tradition of curling being applied in the true spirit of the game";

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

That the Fifty-ninth Legislative Assembly takes great pride in extending congratulations to Team North Dakota for winning the 2005 USA Curling Women's Junior National Championship and wishes Team North Dakota USA good luck and good curling in the true spirit of the game and as ambassadors of the Great State of North Dakota and the United States of America at the Women's Junior World Curling Championship in Italy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member and the coach of Team North Dakota.

Filed April 7, 2005

CHAPTER 662**HOUSE CONCURRENT RESOLUTION NO. 3058**

(Representatives Owens, Dietrich, Svedjan)

(Senators Espegard, Hacker, Holmberg)

(Approved by the Delayed Bills Committee)

AIR TRAFFIC FACILITY MAINTENANCE URGED

A concurrent resolution urging the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees.

WHEREAS, the Grand Forks Automated Flight Service Station provides pilots with weather and aeronautical data to help them make critical and often lifesaving decisions; and

WHEREAS, whether assisting University of North Dakota student pilots, coordinating air ambulance flights to our rural communities, relaying data to commercial operators flying passengers and supplies over the state, often in the worst of weather, or assisting the military in matters of national security, the Grand Forks Automated Flight Service Station provides an invaluable service that is intimately related to the public interest; and

WHEREAS, the Grand Forks Automated Flight Service Station is responsible for the continuous monitoring of international border air space and daily support of the missions of the Minot Air Force Base, Grand Forks Air Force Base, Fargo Air National Guard, and Bismarck National Guard flight operations; and

WHEREAS, maintaining the Grand Forks Automated Flight Service Station with proper staffing levels and equipment is a fundamental necessity in the continuation of these crucial services; and

WHEREAS, the Federal Aviation Administration is primarily responsible for the safety and security of aviation;

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

That the Fifty-ninth Legislative Assembly urges the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President and Vice President of the United States, the administrator of the Federal Aviation Administration, and to each member of the United States Senate and United States House of Representatives.

Filed April 7, 2005

CHAPTER 663

HOUSE CONCURRENT RESOLUTION NO. 3059

(Representatives Berg, Keiser, Wald)

(Senators Klein, Tallackson)

(Approved by the Delayed Bills Committee)

INSURANCE REGULATION NONINTERFERENCE URGED

A concurrent resolution urging Congress to oppose federal legislation that would impair, erode, and limit the ability of state governments to regulate the business of insurance.

WHEREAS, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments; and

WHEREAS, state legislatures are the proper governmental entities to determine public policy on insurance issues as enacted under the federal McCarran-Ferguson Act of 1945, which reserved the regulation of the business of insurance to the states; and

WHEREAS, state legislatures are more responsive to the needs of their constituents and are more knowledgeable regarding the market conditions that may exist in individual states and the need for unique insurance products and regulation to meet their specific market demands; and

WHEREAS, state legislatures and other organizations such as the National Conference of Insurance Legislators, National Conference of State Legislatures, and the National Association of Insurance Commissioners have recognized difficulties in the marketplace that have created regulatory hurdles in certain states or delayed speed-to-market of insurance products; and

WHEREAS, state legislatures, the National Conference of Insurance Legislators, and the National Association of Insurance Commissioners have and continue to address uniformity issues between states by the adoption of model laws that address market conduct, product approval, agent licensing, and rate deregulation; and

WHEREAS, many state governments derive general revenues from the regulation of the business of insurance, including \$30,928,373 from premium taxes collected in the fiscal year ending June 30, 2004, by the state of North Dakota; and

WHEREAS, the proposed federal State Modernization and Regulatory Transparency (SMART) Act, which would create mandatory federal insurance standards preempting state law and undermining the sovereignty of state governments, is being contemplated by certain members of the United States Congress; and

WHEREAS, the proposed SMART Act would "federalize" insurance regulation and threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the

business of insurance, thereby impairing, eroding, and limiting their ability to protect the interests of their constituents; and

WHEREAS, many states, including North Dakota, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States to oppose federal legislation, such as the proposed SMART Act, which would impair, erode, and limit the ability of state governments to regulate the business of insurance; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, to members of the United States House of Representatives Committee on Financial Services, and to members of the United States Senate Committees on Banking, Housing, and Urban Affairs and Commerce, Science and Transportation.

Filed April 18, 2005

CHAPTER 664

HOUSE CONCURRENT RESOLUTION NO. 3060

(Representatives Klein, Berg, Boucher)

(Senators Stenehjem, O'Connell)

(Approved by the Delayed Bills Committee)

AIR SPACE AND SPECIAL FORCES TRAINING INITIATIVE URGED

A concurrent resolution urging the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives.

WHEREAS, future special operations forces will require space with existing infrastructure and industry, with varying terrain and climates to train new nonstandard operations forces, develop and test new doctrines and tactics, and rehearse real-world scenarios; and

WHEREAS, North Dakota has the available towns and cities to train military operations on urban terrain, open remote land, and the infrastructure and industry access for targeting and securing; and

WHEREAS, North Dakota has low ongoing infrastructure or rental costs and a diverse industry base with no encroachment issues now or in the foreseeable future; and

WHEREAS, North Dakota's geography allows for real combat zone dimensions to facilitate "train as we fight" in the air and on the ground; and

WHEREAS, North Dakota has diverse terrain and four distinct seasons that allow for the replication of similar terrain and weather conditions of unstable regions of the world; and

WHEREAS, North Dakota can provide the United States military with the nation's largest overland air and ground training space which will allow for synchronized joint operations training; and

WHEREAS, North Dakota has a thriving commercial and private air service industry that could be beneficial to assisting in this initiative and the state pledges to work cooperatively to ensure all military, private, and public air service needs are met; and

WHEREAS, North Dakota has five major Native American reservations for potential training with diverse cultures and native language challenges; and

WHEREAS, North Dakota has supportive political subdivisions and supportive populace with the highest per capita membership of United States military in the United States; and

WHEREAS, the Legislative Assembly and Governor strongly support this initiative and, by this resolution, demonstrate to the Department of Defense their commitment and ongoing support;

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

That the Fifty-ninth Legislative Assembly urges the Department of Defense to use North Dakota for the Department of Defense's air space and special forces ground training initiatives; and

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

Filed April 22, 2005