

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 665

### SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Council)

(Budget Section)

### BLOCK GRANT HEARINGS

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

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

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

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

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

**WHEREAS**, the Legislative Assembly will not meet in regular session during 2006 and thus its public hearing responsibility for grants not approved by the Fifty-ninth Legislative Assembly must be delegated to a legislative entity;

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

That the Department of Commerce appropriations bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grant moneys for the period ending September 30, 2007; and

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

**BE IT FURTHER RESOLVED**, that the authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-ninth Legislative Assembly through September 30, 2007, and the Budget Section may provide public notice and hold the hearings authorized by this resolution using the methods and procedures it deems appropriate.

Filed March 24, 2005

## CHAPTER 666

### SENATE CONCURRENT RESOLUTION NO. 4003

(Senators Syverson, Flakoll, Nelson)  
(Representatives Bernstein, Ekstrom, Grande)

### VETERANS MEMORIAL BRIDGE

A concurrent resolution designating, in conjunction with the state of Minnesota, the Main Avenue bridge between Fargo, North Dakota, and Moorhead, Minnesota, as the Veterans Memorial Bridge.

**WHEREAS**, bridges demonstrate unity of purpose and enhance the expansion of commerce and communication by surmounting natural and man-made obstacles; and

**WHEREAS**, commerce and communication provide the basis for a unified and purposeful region and nation for the benefit of all citizens; and

**WHEREAS**, a nation, undefended from external threats and internal disasters cannot grow and prosper; and

**WHEREAS**, the members of our armed forces have distinguished themselves as true patriots in the defense of our national integrity and ideals when called to duty and have willingly and unselfishly provided for the defense of this nation at great personal sacrifice;

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

That in recognition of the sacrifice of veterans and dedication to honor and duty in defense of our nation and in recognition of their unswerving devotion to our nation and the freedoms and precepts for our nation, a permanent and visible example of gratitude of the citizens of North Dakota and Minnesota for the service of these veterans is the Main Avenue bridge between Fargo, North Dakota, and Moorhead, Minnesota, and the bridge is designated as the "Veterans Memorial Bridge"; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, the director of the North Dakota Department of Transportation, the Governor of Minnesota, the commissioner of the Minnesota Department of Transportation, the mayor of Fargo, and the mayor of Moorhead.

Filed March 24, 2005

**CHAPTER 667****SENATE CONCURRENT RESOLUTION NO. 4005**

(Senators Trenbeath, Lyson, Mutch, Seymour)  
(Representatives Delmore, D. Johnson)

**164TH INFANTRY MEMORIAL HIGHWAY**

A concurrent resolution designating United States Highway 2 through the state of North Dakota as the 164th Infantry Memorial Highway.

**WHEREAS**, the 164th Infantry was operational from 1885 to 1955 and was made up of members of the North Dakota National Guard; and

**WHEREAS**, the 164th Infantry entered federal service from May 20, 1898, through September 25, 1899, for the Spanish-American War and the Philippine Insurrection; and

**WHEREAS**, the 164th Infantry was called into federal service on June 18, 1916, through February 14, 1917, for the Mexican Border Conflict; and

**WHEREAS**, the 164th Infantry entered federal service for World War I on October 4, 1917, through February 18, 1919; and

**WHEREAS**, the 164th Infantry entered federal service for World War II on February 10, 1941, through June 10, 1946, and in October 1942 at Guadalcanal, became the first United States Army unit to engage in offensive action against the enemy and was involved in the heaviest fighting of this campaign; and

**WHEREAS**, the 164th Infantry was ordered into federal service for the Korean Conflict in 1950;

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

That in honor of the 164th Infantry, United States Highway 2 through the state of North Dakota is designated as the "164th Infantry Memorial Highway"; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the Governor and the director of the Department of Transportation.

Filed March 24, 2005

## CHAPTER 668

### SENATE CONCURRENT RESOLUTION NO. 4006

(Senators Klein, O'Connell, Stenehjem)  
(Representatives Berg, Boucher, Devlin)

### EMERGENCY MEDICAL SERVICES TRAINING IMPROVEMENT URGED

A concurrent resolution urging the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers.

**WHEREAS**, North Dakota has a predominantly voluntary emergency medical services workforce; and

**WHEREAS**, emergency medical services volunteers give a substantial amount of their personal time to be on duty twenty-four hours per day seven days a week to render care and to transport the sick and injured, and these volunteers are a vital component of public safety; and

**WHEREAS**, the National Emergency Medical Services Scope of Practice Model would significantly increase the number of training hours required to become an emergency medical technician, eliminate the emergency medical technician intermediate level, and restrict the procedures that a paramedic could perform; and

**WHEREAS**, increasing the emergency medical services provider's training requirements may discourage individuals from volunteering as emergency medical services providers;

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

That the Fifty-ninth Legislative Assembly urges the National Emergency Medical Services Scope of Practice Model Review Team to reconsider significantly raising the training requirements of emergency medical services providers; and

**BE IT FURTHER RESOLVED**, that the model review team be requested to not eliminate the emergency medical technician intermediate level and to not restrict procedures currently permitted to be performed by paramedics; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to each member of the National Emergency Medical Services Scope of Practice Model Review Team, the executive director of the National Association of State EMS Directors, the administrator of the National Highway Traffic Safety Administration, and each member of the North Dakota Congressional Delegation.

Filed January 21, 2005

**CHAPTER 669****SENATE CONCURRENT RESOLUTION NO. 4007**

(Senators Stenehjerm, Grindberg, O'Connell)  
(Representatives Berg, Boucher, Klein)

**MILITARY PERSONNEL MEMORIALIZED**

A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq.

**WHEREAS**, Spc. Jon P. Fettig, Dickinson; Staff Sgt. Kenneth W. Hendrickson, Bismarck; Sgt. Keith L. Smette, Makoti; Spc. Philip D. Brown, Jamestown; Staff Sgt. Lance J. Koenig, Fargo; Spc. Cody L. Wentz, Williston; Pfc. Anthony W. Monroe, Bismarck; Spc. Thomas J. Sweet II, Bismarck; and Pfc. Sheldon R. Hawk Eagle, Grand Forks, were called upon by the United States of America to fight the forces of terror that threaten free men; and

**WHEREAS**, these brave, courageous, and valorous soldiers in performing their duty made that supreme sacrifice that great men and women have been called upon down through our country's history to make for the right to be free; and

**WHEREAS**, it is the intention of the Fifty-ninth Legislative Assembly, acting as the representatives of all the people of the state of North Dakota, to recognize these individuals;

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

That the Fifty-ninth Legislative Assembly of the state of North Dakota hereby pays solemn tribute to:

Spc. Jon P. Fettig, Dickinson;

Staff Sgt. Kenneth W. Hendrickson, Bismarck;

Sgt. Keith L. Smette, Makoti;

Spc. Philip D. Brown, Jamestown;

Staff Sgt. Lance J. Koenig, Fargo;

Spc. Cody L. Wentz, Williston;

Pfc. Anthony W. Monroe, Bismarck;

Spc. Thomas J. Sweet II, Bismarck; and

Pfc. Sheldon R. Hawk Eagle, Grand Forks;

for their sacrifice for helping to keep the United States of America and other countries of this world free from the forces of terror that would kill the innocent and threaten the free; and

**BE IT FURTHER RESOLVED**, that the people of the state of North Dakota hereby join together to express deepest sympathies to the parents and relatives of these brave soldiers and to express to them the furtherant belief that these men did not die in vain; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send enrolled copies of this resolution to the parents and wives of these heroes.

Filed January 20, 2005

**CHAPTER 670****SENATE CONCURRENT RESOLUTION NO. 4008**

(Senators Kringstad, Flakoll, Kilzer, Nelson, Triplett)  
(Representative R. Kelsch)

**LEGISLATIVE EMPLOYEE COMPENSATION**

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

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

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

**SENATE**

Secretary of the Senate	\$120
Assistant secretary of the Senate	105
Journal reporter	117
Calendar clerk	105
Bill clerk	100
Sergeant-at-arms	92
Administrative assistant to majority leader	109
Staff assistant to majority leader	109
Administrative assistant to minority leader	109
Staff assistant to minority leader	109
Chief committee clerk	109
Appropriations Committee clerk	109
Assistant Appropriations Committee clerk	105
Committee clerk for three-day committee	105
Committee clerk for two-day committee	97
Assistant committee clerk	86
Deputy sergeant-at-arms	77
Chief page and bill book clerk	85
Legislative assistant	71

**HOUSE**

Chief Clerk	\$120
Assistant chief clerk	105
Journal reporter	117
Calendar clerk	105
Bill clerk	100
Sergeant-at-arms	92
Administrative assistant to majority leader	109
Staff assistant to majority leader	109
Administrative assistant to minority leader	109
Staff assistant to minority leader	109
Administrative assistant to Speaker	92
Chief committee clerk	109
Appropriations Committee clerk	109



Assistant Appropriations Committee clerk	105
Committee clerk for three-day committee	105
Committee clerk for two-day committee	97
Assistant committee clerk	86
Payroll clerk	88
Deputy sergeant-at-arms	77
Chief page and bill book clerk	85
Legislative assistant	71

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

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

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

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

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

Filed January 20, 2005

**CHAPTER 671****SENATE CONCURRENT RESOLUTION NO. 4009**

(Senator Wardner)

**SCHOOL DISTRICT AND LIBRARY FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study school district and library funding sources to determine if a method can be found to provide an incentive to reduce school district and library property tax levies.

**WHEREAS**, property taxes levied by school districts and libraries constitute a majority of all property taxes levied in the state; and

**WHEREAS**, school districts and libraries that reduce property tax levies receive a reduction in foundation aid allocations and reduced property tax levy authority in future years under current law; and

**WHEREAS**, school district and library funding sources should be examined to determine whether there are methods available to encourage reduction of property tax levies by school districts and libraries; and

**WHEREAS**, foundation aid allocations may encourage school districts and libraries to determine the maximum property tax levy that may be imposed and build a budget around that amount to avoid loss of state funding;

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

That the Legislative Council study school district and library funding sources to determine if a method can be found which would provide an incentive to reduce school district property tax levies; 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 24, 2005

**CHAPTER 672****SENATE CONCURRENT RESOLUTION NO. 4010**  
(Senator Wardner)**PROPERTY TAX LEVY ALTERNATIVES STUDY**

A concurrent resolution directing the Legislative Council to study alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation.

**WHEREAS**, property taxes levied by the state and political subdivisions are expressed in mills per dollar of taxable valuation of property; and

**WHEREAS**, converting mills per dollar of taxable valuation into actual property taxes against market value of property is difficult and confusing; and

**WHEREAS**, converting property tax levies into an understandable measure, such as tax dollars per one thousand dollars of market value, would allow citizens to understand property tax levies and judge how property taxes will impact them;

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

That the Legislative Council study alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation; 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 24, 2005

**CHAPTER 673****SENATE CONCURRENT RESOLUTION NO. 4011**

(Senator Wardner)

**MOBILE HOME TAXATION STUDY**

A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes and similar housing alternatives with an emphasis on making assessment and taxation of those housing alternatives equitable in comparison with assessment and taxation of traditional residential housing.

**WHEREAS**, questions have been raised by citizens about the equity of assessment and taxation of mobile homes and similar housing alternatives and how assessment and taxation of those housing alternatives compares to assessment and taxation of traditional residential housing; and

**WHEREAS**, changes in modern housing alternatives and their uses necessitate a thorough review of statutes and assessment practices to assure equitable tax treatment for all housing without creating a tax bias that favors any housing choice;

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

That the Legislative Council study the assessment and taxation of mobile homes and similar housing alternatives with an emphasis on making assessment and taxation of those housing alternatives equitable in comparison with assessment and taxation of traditional residential housing; 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 24, 2005

## CHAPTER 674

### SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Grindberg, Hacker, Nelson)  
(Representatives Gulleason, Hawken, Svedjan)

### RED RIVER VALLEY RESEARCH CORRIDOR SUPPORTED

A concurrent resolution expressing support for the Red River Valley Research Corridor and commending the broad range of private and public sector partners from the federal, state, and local levels for their hard work to make the corridor a national, regional, and local success.

**WHEREAS**, the Red River Valley Research Corridor was conceived in 2002 with the goal to expand upon the research capacity at North Dakota universities to help build and attract high-tech businesses, generate new economic opportunities, and create good-paying jobs for the region; and

**WHEREAS**, the Red River Valley Research Corridor has evolved to include a steering committee composed of representatives of business, higher education, and economic development to guide the concept of the corridor; and

**WHEREAS**, the Red River Valley Research Corridor has evolved to include a coordinating center to act as a catalyst for the development and growth of science and technology-based enterprises throughout North Dakota; and

**WHEREAS**, the partners to the Red River Valley Research Corridor include the state's Congressional Delegation with special recognition of Senator Byron Dorgan and members of his staff, Governor John Hoeven and members of his staff, the Department of Commerce, the Bank of North Dakota, Job Service North Dakota, the State Board of Higher Education and North Dakota University System with special recognition of North Dakota State University and President Joseph A. Chapman and the University of North Dakota and President Charles E. Kupchella, and local economic development organizations with special recognition of the Fargo/Cass County Economic Development Corporation and Grand Forks Economic Development Corporation; and

**WHEREAS**, the Red River Valley Research Corridor has brought national attention to the state;

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

That the Fifty-ninth Legislative Assembly expresses its support for the Red River Valley Research Corridor and commends the broad range of private and public sector partners from the federal, state, and local levels for their hard work to make the corridor a national, regional, and local success; 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 White House Office of Science and Technology Policy, the United States Department of Commerce Economic Development Administration, the National Science Foundation Directorate for Education and Human Resources Office of Experimental Program to Stimulate Competitive Research, the Governor, the Commissioner of Commerce, the executive director of Job Service North Dakota, the president of the Bank of North Dakota, each member of the State Board of Higher Education, the president of each institution under the control of the State Board of Higher Education, the International Economic Development Council, the Association of University Research Parks, the National Business Incubation Association, the Economic Development Association of North Dakota, the Fargo/Cass County Economic Development Corporation, the Grand Forks Economic Development Corporation, the coordinator of the Red River Valley Research Corridor Coordinating Center, and each member of the Red River Valley Research Corridor Steering Committee.

Filed April 6, 2005

## CHAPTER 675

### SENATE CONCURRENT RESOLUTION NO. 4015

(Senators Flakoll, Espegard, Wardner)  
(Representatives Hawken, Thoreson)

### MAURY WILLS HALL OF FAME ELECTION URGED

A concurrent resolution commending Maury Wills on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Maury Wills to the Baseball Hall of Fame.

**WHEREAS**, Maury Wills revolutionized and energized the game of baseball through his extraordinary baserunning and base stealing prowess; and

**WHEREAS**, Maury Wills broke Ty Cobb's 47-year-old record in 1962 when he stole a major league record 104 bases in a single season, while being caught stealing only 13 times; the year before Maury entered the majors the entire National League had a total of 388 stolen bases and in 1962 Maury Wills alone stole over 25 percent of the league total the year before he made the majors; and

**WHEREAS**, Maury Wills led the National League in stolen bases six straight seasons and tied the National League record of four years leading the league in singles; and

**WHEREAS**, Maury Wills gathered 2,134 hits and had a lifetime batting average of .281, which is equal to or greater than that of a number of other Hall of Fame middle infielders; and

**WHEREAS**, Maury Wills became only the third African-American manager in major league baseball when he became manager of the Seattle Mariners; and

**WHEREAS**, Maury Wills was selected to seven major league all-star teams and was the first Most Valuable Player of an all-star game in the history of major league baseball; and

**WHEREAS**, Maury Wills was the 1962 National League Most Valuable Player; and

**WHEREAS**, Maury Wills was a fleet-footed and sure-handed fielder, earning the Gold Glove Award for fielding in 1961 and 1962 seasons and shortstop of the year in 1971, at age 39; and

**WHEREAS**, Maury Wills was also a major force on the winning L. A. Dodgers team for 11 years and helped lead the Dodgers to three World Series victories in 1959, 1963, and 1965 and a National League pennant victory in 1966; and

**WHEREAS**, Maury Wills' many athletic achievements tell the story of a true sportsman and team player, including countless awards including S. Rae Hickok Pro-Athlete Award, "Sport" magazine's Man of the Year, "Sporting News" Player of the Year, and Associated Press Athlete of the Year; and

**WHEREAS**, Maury Wills is a great ambassador for baseball through youth camps in the United States, Japan, Mexico, and Cuba and through media appearances and served under Governor Ronald Reagan as the Chairman of Athletics for Youth in the state of California; and

**WHEREAS**, Maury Wills is an intelligent, articulate, informative, and engaging personality who spent six years as a baseball analyst for NBC Sports major league baseball game of the week and one year as an HBO network in-studio sports personality; and

**WHEREAS**, Maury Wills was a great student of the game who was always his best in crisis situations during a game; and

**WHEREAS**, Maury Wills has been a trainer for 15 different major league baseball teams, teaching the art of baserunning and stealing and trained the Osaka Hankyu Braves in Japan for four years; and

**WHEREAS**, North Dakota is proud to be the home of the Maury Wills Museum and appreciative of his promotion of minor league professional baseball in this state through more than eight summers;

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

That the Fifty-ninth Legislative Assembly takes great pleasure in commending Maury Wills for his outstanding accomplishments in and out of major league baseball and respectively urges the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Maury Wills to the Baseball Hall of Fame as well-deserved tribute to his outstanding career and exemplary conduct; and

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

Filed March 24, 2005



**CHAPTER 676****SENATE CONCURRENT RESOLUTION NO. 4016**  
(Senators Every, Fairfield, Lyson, Nelson)**MISSING PERSONS INVESTIGATIONS STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting a statewide procedure for conducting missing persons investigations.

**WHEREAS**, missing persons generally fit into categories of runaway juveniles, individuals who are missing and possibly endangered due to diminished mental capacity, and persons missing under suspicious circumstances; and

**WHEREAS**, as of March 2003 the Federal Bureau of Investigation National Crime Information Center reported that there were 97,297 active missing person cases in the United States, which included more than 54,000 children; and

**WHEREAS**, statistics indicate that 74 percent of abducted children who are murdered are dead within three hours of abduction; and

**WHEREAS**, in conducting a missing persons investigation, time is of the essence; and

**WHEREAS**, although the state of North Dakota has implemented the Amber Alert System for dealing with abducted or missing children, the state does not have a statewide procedure in place for conducting missing persons investigations;

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

That the Legislative Council study the feasibility and desirability of adopting a statewide procedure for conducting missing persons investigations; 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 24, 2005

**CHAPTER 677****SENATE CONCURRENT RESOLUTION NO. 4017**

(Senators Thane, Lindaas, Tallackson)  
(Representatives Belter, Wall, Williams)

**CAFTA OPPOSITION URGED**

A concurrent resolution urging Congress not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions.

**WHEREAS**, the Central American Free Trade Agreement, also known as the CAFTA, is a proposed agreement between the United States and the Central American nations of Guatemala, El Salvador, Honduras, Costa Rica, the Dominican Republic, and Nicaragua; and

**WHEREAS**, the office of the United States Trade Representative termed the CAFTA "a historic agreement that will eliminate tariffs and trade barriers and expand regional opportunities for the workers, manufacturers, consumers, farmers, ranchers, and service providers of all the countries"; and

**WHEREAS**, the CAFTA would immediately raise Central American sugar exports, thereby jeopardizing most of the sugar-producing regions in this country, including the Red River Valley and western North Dakota in this state; and

**WHEREAS**, the sugar beet industry provides income to many residents and infuses capital into the local, regional, and state economies; and

**WHEREAS**, the CAFTA will cause a significant reduction in the income of this state's sugar beet producers;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions; 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 Trade Representative, each member of the Montana Congressional Delegation, any member of the Minnesota Congressional Delegation who serves constituents along the border between North Dakota and Minnesota, and to each member of the North Dakota Congressional Delegation.

Filed March 4, 2005

## CHAPTER 678

### SENATE CONCURRENT RESOLUTION NO. 4019

(Senators Bowman, Bercier)  
(Representatives Klein, Schmidt)

#### FLAG EDUCATION URGED

A concurrent resolution urging all educators to ensure that the schoolchildren of North Dakota are taught the history of the United States flag, that they are taught to respect the flag, to exercise proper flag etiquette, and to understand that the flag is the most visible and enduring symbol of the American spirit.

**WHEREAS**, the United States flag is unique in the deep and noble significance of its message to the entire world, a message of national independence, of individual liberty, of idealism, and of patriotism; and

**WHEREAS**, the United States flag incarnates for all mankind the spirit of liberty and the glorious ideal of human freedom; and

**WHEREAS**, the United States flag symbolizes equal opportunity for life, liberty, and the pursuit of happiness and is safeguarded by the principles of duty, righteousness, and justice; and

**WHEREAS**, the United States flag embodies the essence of patriotism and the strength of the American nation; and

**WHEREAS**, on June 14, 1777, the Continental Congress passed an Act to establish an official flag for our new nation; and

**WHEREAS**, for more than 200 years, the United States flag has been the symbol of our nation's unity, as well as a source of pride and inspiration for millions of citizens;

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

That the Fifty-ninth Legislative Assembly urges all educators to ensure that the schoolchildren of North Dakota are taught the history of the United States flag, that they are taught to respect the flag, to exercise proper flag etiquette, and to understand that the flag is the most visible and enduring symbol of the American spirit; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the Superintendent of Public Instruction, who shall forward electronic copies to the board of each school district, each school district administrator, and the principal of each elementary and high school in this state.

Filed March 24, 2005

**CHAPTER 679****SENATE CONCURRENT RESOLUTION NO. 4020**

(Senators Klein, Bowman, Urlacher)  
(Representatives Belter, Kreidt, Pollert)

**CANADIAN CATTLE IMPORTATION BAN URGED**

A concurrent resolution urging the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated.

**WHEREAS**, the cattle industry in the United States is concerned about the plan to reopen the border to live animal imports from Canada in March 2005; and

**WHEREAS**, the cattle industry in the United States is concerned about the two animals that tested positive for bovine spongiform encephalopathy, including one beef cow that was born after the 1997 feed ban; and

**WHEREAS**, recent tests of feed samples in Canada indicated the presence of animal proteins; and

**WHEREAS**, further testing is needed to determine the extent of ruminant animal byproducts in feed supplies; and

**WHEREAS**, the United States Secretary of Agriculture must identify the country of origin, as opposed to the continent of origin, of the animals that tested positive for bovine spongiform encephalopathy; and

**WHEREAS**, the United States Secretary of Agriculture must study the scientific methods used to determine and define risk categories for countries within which bovine spongiform encephalopathy is known to exist;

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

That the Fifty-ninth Legislative Assembly urges the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated, and to open the border with Canada at such time as the opening of our export markets; 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 Agriculture, and to each member of the North Dakota Congressional Delegation.

Filed February 15, 2005

**CHAPTER 680****SENATE CONCURRENT RESOLUTION NO. 4021**

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

**CUBAN TRAVEL AND BANKING URGED**

A concurrent resolution urging Congress to allow for the travel of United States citizens to and from Cuba and to allow direct banking transfers between the United States and Cuba for the purchase of American-made products by Cuba.

**WHEREAS**, in 1962 the United States imposed economic sanctions on Cuba; and

**WHEREAS**, the Trade Sanctions Reform and Export Enhancement Act of 2000 reauthorized direct commercial cash-only sales of agricultural products, food, and medicine to Cuba; and

**WHEREAS**, many of the primary commodities produced in the United States are valued and sought after by the citizens of Cuba; and

**WHEREAS**, it is anticipated that sales of this state's agricultural products alone to Cuba could surpass \$37.8 million annually and provide employment for more than 1,000 individuals; and

**WHEREAS**, while some humanitarian and educational groups, journalists, and diplomats are allowed to visit Cuba each year, many other American citizens are not, thereby hindering efforts to expand trade with Cuba; and

**WHEREAS**, the United States prohibits direct banking transfers between this country and Cuba for the purchase of American-made products by Cuba, thereby reducing the level of product sales; and

**WHEREAS**, a recent ruling by the United States Department of the Treasury's Office of Foreign Assets Control requiring payment for United States agricultural exports in advance of shipment to Cuba threatens to jeopardize accords and terminate agricultural trade with Cuba;

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

That the Fifty-ninth Legislative Assembly urges Congress to allow for the travel of United States citizens to and from Cuba and to allow direct banking transfers between the United States and Cuba for the purchase of American-made products by Cuba; 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 Agriculture, the majority and minority leaders of the United States Senate and the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed April 15, 2005

## CHAPTER 681

### SENATE CONCURRENT RESOLUTION NO. 4023

(Senators Heitkamp, Fischer, Mathern, Nelson)  
(Representatives Delmore, Monson)

### LAKE AGASSIZ WATER AUTHORITY COMMENDED

A concurrent resolution expressing the Legislative Assembly's commendation and support for the efforts of the Lake Agassiz Water Authority to deliver water to eastern North Dakota.

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

**WHEREAS**, supplementation of the water resources of eastern North Dakota with water supplies from the Missouri River or other sources of supply may be the only alternative to provide eastern North Dakota with a safe, good quality, dependable source, and adequate quantity of water; and

**WHEREAS**, the Red River Basin needs a dependable supply of water for the cities of Fargo and Grand Forks, smaller communities, rural water systems, industry, agricultural processing, manufacturing, and other purposes, and to protect and enhance economic stability and quality of life for the growing population of the Red River Basin; and

**WHEREAS**, failure to provide a dependable long-term water supply would jeopardize future economic opportunities dependent on water, including industry, agricultural processing, manufacturing, municipal growth, recreation, and fish and wildlife in the Red River Basin and thus adversely affect the entire state;

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

That the Fifty-ninth Legislative Assembly expresses its commendation and support for the efforts of the Lake Agassiz Water Authority to deliver water to eastern North Dakota; 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, each member of the board of directors of the Lake Agassiz Water Authority, and each member of the North Dakota Congressional Delegation.

Filed April 1, 2005

## CHAPTER 682

### SENATE CONCURRENT RESOLUTION NO. 4024

(Senators Krauter, Bercier, Stenehjem)  
(Representatives Berg, Boucher, Kerzman)

### UTTC FUNDING URGED

A concurrent resolution urging Congress and the Secretary of the United States Department of the Interior to provide funding for United Tribes Technical College.

**WHEREAS**, United Tribes Technical College has been in continuous operation since 1969 and provides a preschool, kindergarten through grade 8 elementary school, and 20 certified and two-year technical degree programs; and

**WHEREAS**, United Tribes Technical College is the only intertribally controlled postsecondary vocational institution for Native Americans in the United States; and

**WHEREAS**, United Tribes Technical College provides comprehensive education and training programs to over 500 Native American students and 300 children from more than 15 states and 70 tribes; and

**WHEREAS**, United Tribes Technical College has an excellent record on job placement, averaging 80 percent in the last decade and 96 percent in 1997; and

**WHEREAS**, United Tribes Technical College does not receive funding under the Tribally Controlled College or University Assistance Act and must therefore rely upon the Bureau of Indian Affairs to meet its financial needs; and

**WHEREAS**, although a United States Department of Education study dated August 25, 2000, identified the need for over \$16 million for renovation of existing housing and instructional buildings and over \$30 million for the construction of housing and instructional buildings at United Tribes Technical College, the current administration has not included in its budget any funding for the institution's self-determination contract with the Department of the Interior, which is the base funding for United Tribes Technical College, and has provided little or no funding for improvements to campus facilities;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States and the Secretary of the United States Department of the Interior to provide fiscal year 2006 funding in the amount of \$4.5 million for the self-determination contract the Department of the Interior has with United Tribes Technical College along with additional funding for improvements to college facilities; and



**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of the United States Department of the Interior, to the President of United Tribes Technical College, and to each member of the North Dakota Congressional Delegation.

Filed March 24, 2005

**CHAPTER 683****SENATE CONCURRENT RESOLUTION NO. 4026**

(Senators Warner, Freborg, Lyson)  
(Representatives Charging, Onstad)

**MISSOURI RIVER LOW-WATER REMEDIATION  
URGED**

A concurrent resolution urging Congress to enact legislation to address the adverse economic impact on businesses and the economic health of North Dakota caused by the low water levels of the federally managed reservoirs on the Missouri River in North Dakota.

**WHEREAS**, the state of North Dakota lost more than 500,000 acres of valuable river bottom lands as a result of construction in the Missouri River reservoirs under the federal Flood Control Act of 1944, causing an annual loss of millions of dollars in economic gross product and an additional annual loss in personal income as well as other serious impacts to individuals, political subdivisions, and North Dakota's Indian nations; and

**WHEREAS**, operation of the Pick-Sloan Missouri River dams has provided great benefits to the downstream states but relatively few benefits to the areas of the state directly affected by the project; and

**WHEREAS**, areas affected by the Pick-Sloan Missouri River dams have been working diligently to bring about some economic recovery to help alleviate the losses caused by the project during the last 50 years; and

**WHEREAS**, federal management of the reservoirs in North Dakota to ensure plentiful water deliveries to downstream states has led to dangerously low water conditions on the federally managed lakes in North Dakota; and

**WHEREAS**, the low lake levels have had a devastating impact on the businesses dependent on the lakes as well as detrimentally impacting the entire economy of North Dakota, including recreational use of the lakes;

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

That the Fifty-ninth Legislative Assembly urges Congress to enact legislation to address the adverse economic impact on businesses and the economic health of North Dakota by the low water levels of the federally managed reservoirs on the Missouri River in North Dakota; 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 Interior; 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; and each member of the North Dakota Congressional Delegation.

Filed March 24, 2005

**CHAPTER 684****SENATE CONCURRENT RESOLUTION NO. 4027**

(Senator Brown)  
(Representative Kreidt)

**DEMENTIA PROGRAMS AND SERVICES STUDY**

A concurrent resolution directing the Legislative Council to study the need for dementia-related services, standards, and practices for caregivers and review the legal and medical definitions used for dementia-related conditions and the funding for programs and services for individuals with dementias.

**WHEREAS**, individuals with dementias need specialized services; and

**WHEREAS**, there are more than 16,000 individuals in North Dakota with dementias; and

**WHEREAS**, the training of caregivers needs to be at a high standard to protect these incapacitated individuals; and

**WHEREAS**, the need for specialized services for demented individuals is unknown and the need appears not to be met; and

**WHEREAS**, the needs of individuals with dementias may require specialized programs and services to increase their quality of life;

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

That the Legislative Council study the need for dementia-related services, standards, and practices for caregivers and review the legal and medical definitions used for dementia-related conditions and the funding for programs and services for individuals with dementias; 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 24, 2005

**CHAPTER 685****SENATE CONCURRENT RESOLUTION NO. 4028**

(Senators Krauter, Erbele)  
(Representatives Kerzman, Nicholas)

**COUNTRY OF ORIGIN LABELING URGED**

A concurrent resolution urging Congress to support mandatory country of origin labeling for all agricultural commodities.

**WHEREAS**, on May 13, 2002, President Bush signed into law the Farm Security and Rural Investment Act of 2002, which required country of origin labeling for beef, lamb, pork, fish, perishable agricultural commodities, and peanuts; and

**WHEREAS**, on January 27, 2004, President Bush signed Public Law 108-199, which delays the implementation of mandatory country of origin labeling for all covered commodities except wild and farm-raised fish and shellfish, until September 30, 2006; and

**WHEREAS**, responsibility for implementation of the country of origin labeling program rests with the Agricultural Marketing Service of the United States Department of Agriculture; and

**WHEREAS**, since 1999 North Dakota has required retailers to indicate by label the country of origin of fresh beef, lamb, and pork; and

**WHEREAS**, Florida, Kansas, Maine, South Dakota, and Wyoming all require some form of mandatory country of origin labeling; and

**WHEREAS**, country of origin labeling can provide consumers with valuable information about the source of their food; and

**WHEREAS**, while processors and packers have been unwilling to participate in mandatory country of origin labeling, consumers have shown overwhelming support for country of origin labeling, as well as the willingness to pay extra for such information;

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

That the Fifty-ninth Legislative Assembly urges the Congress of the United States to make country of origin labeling mandatory for all agricultural commodities; 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 each member of the North Dakota Congressional Delegation.

Filed March 29, 2005

## CHAPTER 686

### SENATE CONCURRENT RESOLUTION NO. 4029

(Senators Lyson, Flakoll, Hacker, Krebsbach)  
(Representatives Clark, Iverson)

#### AMTRAK FUNDING URGED

A concurrent resolution urging Congress and the President to provide at least \$1.8 billion for Amtrak in fiscal year 2006 to sustain and improve the national intercity passenger rail system.

**WHEREAS**, Amtrak annually provides intercity passenger rail service to over 25 million Americans residing in 46 states, including as many as 89,319 passengers traveling to and from this state each year; and

**WHEREAS**, Amtrak through the Empire Builder has provided over 75 years of service for many rural North Dakota residents and represents the only major intercity transportation link to the rest of the country; and

**WHEREAS**, passenger rail provides a more fuel-efficient and cleaner transportation system, helping to reduce America's dependence on foreign oil; and

**WHEREAS**, Congress and the President have undercapitalized the national Amtrak system for decades, failed to provide passenger rail with a dedicated and secure source of funding as enjoyed by other modes of transportation, and has not supported passenger rail as have many other nations; and

**WHEREAS**, a comparable national passenger rail system in the world has not succeeded without operating subsidies;

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

That the Fifty-ninth Legislative Assembly urges Congress and the President to provide at least \$1.8 billion for Amtrak in fiscal year 2006 to sustain and improve our national intercity passenger rail system; and

**BE IT FURTHER RESOLVED**, that the Fifty-ninth Legislative Assembly urges Congress and the President to reject efforts to eliminate long-distance routes or breakup and privatize Amtrak's intercity passenger rail operation; and

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

Filed March 29, 2005

**CHAPTER 687****SENATE CONCURRENT RESOLUTION NO. 4030**

(Senators Brown, O'Connell)  
(Representatives Devlin, Metcalf)

**LONG-TERM CARE STUDY**

A concurrent resolution directing the Legislative Council to study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance.

**WHEREAS**, North Dakota continues to see growth in its aging and disabled population; and

**WHEREAS**, the overwhelming majority of the state's citizens prefer to receive long-term care services in the least restrictive environment, maintaining dignity and independence as long as possible; and

**WHEREAS**, long-term care services in North Dakota need to be directed toward institutionalization and alternative care; and

**WHEREAS**, a method of delivery and payment for institutional care, as well as the delivery and payment of home and community-based services, is necessary to limit the financial burden on the state of North Dakota, while meeting the needs and providing the preferred method of care to the individual in the long-term care continuum;

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

That the Legislative Council study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance; 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 6, 2005

## CHAPTER 688

### SENATE CONCURRENT RESOLUTION NO. 4031

(Senators Traynor, Hacker, Nelson, Syverson, Trenbeath, Triplett)  
(Judiciary Committee)

### UNIFORM TRUST CODE ADOPTION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Uniform Trust Code.

**WHEREAS**, the Uniform Trust Code provides a comprehensive model for codifying the law on trusts; and

**WHEREAS**, the Uniform Trust Code was completed by the Uniform Law Commissioners in 2001, with amendments in 2003; and

**WHEREAS**, the American Bar Association and AARP have approved the Uniform Trust Code; and

**WHEREAS**, at least 10 states have enacted the Uniform Trust Code and a majority of the states in the nation have created study groups to review the Uniform Trust Code before enactment; and

**WHEREAS**, the Uniform Trust Code was introduced in North Dakota as Senate Bill No. 2122 (2005); and

**WHEREAS**, the North Dakota Bankers Association, North Dakota Credit Union League, and State Bar Association of North Dakota opposed revising the law on trusts as proposed by Senate Bill No. 2122; and

**WHEREAS**, an interim study of the Uniform Trust Code would provide opponents of a comprehensive law on trusts as provided by the Uniform Trust Code the opportunity to identify the specific provisions that would be detrimental to settlors, beneficiaries, and trustees and those provisions that should be modified to make North Dakota unique in the area of laws governing trusts;

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

That the Legislative Council study the feasibility and desirability of adopting the Uniform Trust Code; 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 24, 2005

## CHAPTER 689

### SENATE CONCURRENT RESOLUTION NO. 4032

(Senators Traynor, Hacker, Nelson, Syverson, Trenbeath, Triplett)  
(Judiciary Committee)

### UCC REVISED ARTICLE 1 STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting Revised Article 1 of the Uniform Commercial Code, General Provisions.

**WHEREAS**, the Uniform Commercial Code governs commercial transactions, including sales and leasing of goods, transfer of funds, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, investment securities, and secured transactions; and

**WHEREAS**, the purpose of the Uniform Commercial Code is to establish a uniform set of rules to govern commercial transactions, which are often conducted across state lines; and

**WHEREAS**, since adoption of the Uniform Commercial Code in 1965, changes and developments in commercial law have resulted in revision of the entire Uniform Commercial Code between 1985 and 2003; and

**WHEREAS**, the Revised Article 1 clarifies when the Uniform Commercial Code is to apply to commercial transactions, allows parties to determine which laws best govern their transactions and thus promotes interstate business transactions, and promotes continued use and development of electronic transactions; and

**WHEREAS**, Minnesota, to which much of the commerce of this state flows, enacted Revised Article 1 in 2004; and

**WHEREAS**, the version of Article 1 introduced in North Dakota as Senate Bill No. 2143 (2005) was modeled on Article 1 as enacted in Minnesota; and

**WHEREAS**, continued economic development in this state depends on up-to-date commercial law and states outside the mainstream of advances in commercial law will be at a competitive disadvantage in attracting and maintaining commerce and industry; and

**WHEREAS**, the North Dakota Bankers Association and North Dakota Credit Union League opposed harmonizing the various articles of the Uniform Commercial Code through Revised Article 1; and

**WHEREAS**, an interim study of Revised Article 1 would provide opponents of harmonization of the various articles of the Uniform Commercial Code an opportunity to identify those provisions that should be unique to North Dakota;

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



That the Legislative Council study the feasibility and desirability of adopting Revised Article 1, of the Uniform Commercial Code, General Provisions; 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 24, 2005

**CHAPTER 690****SENATE CONCURRENT RESOLUTION NO. 4033**

(Senators Every, Mathern, Wardner)  
(Representatives Hawken, S. Kelsh, Nicholas)

**CHILD CARE STUDY**

A concurrent resolution directing the Legislative Council to study whether enhancing the quality of child care and increasing access to affordable child care would favorably impact economic development in the state.

**WHEREAS**, child care makes numerous contributions to quality of life in this state, including enhancing the social and intellectual development of the next generation of North Dakotans; and

**WHEREAS**, child care is the 10th largest occupation in the state, with annual revenues generated by the child care industry exceeding \$123 million; and

**WHEREAS**, North Dakota families are very reliant on the child care industry, due in part to the fact the state has one of the highest rates of multiple jobholders in the nation; and

**WHEREAS**, a North Dakota family with a median family income for the state, \$43,654 in 1999, spends approximately 10 to 12 percent of their gross earnings on the care of one infant; and

**WHEREAS**, availability of affordable, quality child care impacts the ability of the state to attract and retain businesses;

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

That the Legislative Council study whether enhancing the quality of child care and increasing access to affordable child care would favorably impact economic development in 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 24, 2005

## CHAPTER 691

### SENATE CONCURRENT RESOLUTION NO. 4034

(Senator J. Lee)

(Representatives Koppelman, Wieland)

(Approved by the Delayed Bills Committee)

### WEST FARGO PACKATAHNAS CONGRATULATED

A concurrent resolution congratulating the West Fargo High School Packatahnas for their first-place finish in the Universal Dance Association national finals.

**WHEREAS**, the West Fargo High School Packatahnas are the 2005 North Dakota state dance champions; and

**WHEREAS**, the West Fargo High School Packatahnas represented North Dakota in competition against 24 teams from across the country at the Universal Dance Association national competition in Orlando, Florida; and

**WHEREAS**, the members of the West Fargo High School Packatahnas spent countless hours perfecting their individual skills and their team skills; and

**WHEREAS**, all of their hard work, their individual and team efforts, and their dedication resulted in the West Fargo High School Packatahnas taking first place and becoming national champions in the Universal Dance Association national finals varsity high kick division;

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

That the Legislative Assembly takes great pride in extending to the West Fargo High School Packatahnas its heartiest congratulations on taking first place in the varsity high kick division and becoming national champions in the Universal Dance Association national finals; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the superintendent of the West Fargo Public School District, the principal of West Fargo High School, and to each member of the West Fargo High School Packatahnas.

Filed April 1, 2005

## CHAPTER 692

### SENATE CONCURRENT RESOLUTION NO. 4037

(Senator Christmann)  
(Representative Devlin)

#### FENCE LAWS STUDY

A concurrent resolution directing the Legislative Council to study the laws pertaining to fences located outside the corporate limits of the state's cities and the relevancy of those laws in the 21st century.

**WHEREAS**, fences are a dominant feature of our lives and our history; and

**WHEREAS**, settlers have fenced millions of acres and countless rivals have seized post, rail, board, and wire to stake a claim for home and happiness; and

**WHEREAS**, the fences that skirt our properties define ownership and identity and allow neighbors and nations to divide and protect, as well as to offend and defend through the boundaries the fences build; and

**WHEREAS**, legislation regarding fences was first enacted in North Dakota in 1903 and remains substantially unchanged; and

**WHEREAS**, after more than 100 years, laws pertaining to fences, fence viewers, and attendant issues of liability should be reviewed to determine their relevancy in the 21st century;

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

That the Legislative Council study the laws pertaining to fences located outside the corporate limits of the state's cities and the relevancy of those laws in the 21st century; 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 693

### SENATE CONCURRENT RESOLUTION NO. 4038

(Senators Stenehjem, Grindberg, O'Connell)  
(Representatives Berg, Boucher, Klein)

### HIGHWAY AND TRANSIT FUNDING REAUTHORIZATION URGED

A concurrent resolution urging the Administration and Congress to enact promptly a well-funded and multiyear reauthorization of highway and transit programs.

**WHEREAS**, the Transportation Equity Act of the 21st Century (TEA-21), authorizing funding for federal-aid highway, transit, and safety programs, expired on September 30, 2003; and

**WHEREAS**, federal aid has continued to be passed on to the states through a series of short-term extensions; and

**WHEREAS**, the short-term program extensions enacted by Congress have forced states and localities to delay construction of critical highway and transit projects, including safety improvements; and

**WHEREAS**, further delay will increase project costs and further dilute the purchasing power of federal transportation dollars; and

**WHEREAS**, a well-funded federal-aid highway and transit program is essential to the economy and quality of life in North Dakota by creating and maintaining jobs in North Dakota, facilitating commerce, and enabling North Dakotans to travel safely for business and personal activities; and

**WHEREAS**, the formula for distribution of funds in TEA-21 provided a substantial net influx of federal transportation funds to North Dakota, which is essential and proper because our state has long stretches of federal highways and relatively few citizens to finance, maintain, and improve these highways;

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

That the Fifty-ninth Legislative Assembly urges the Administration and Congress to enact promptly a well-funded and multiyear reauthorization of highway and transit programs; and

**BE IT FURTHER RESOLVED**, that under any federal funding, North Dakota's share of overall program funds be at least as favorable as the state's share under TEA-21; and

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

## CHAPTER 694

### SENATE CONCURRENT RESOLUTION NO. 4039

(Senators Cook, Freborg, G. Lee, Urlacher)

(Representatives Haas, Herbel)

(Approved by the Delayed Bills Committee)

### TAX AND EDUCATION FUNDING POLICY STUDY

A concurrent resolution directing the Legislative Council to study state and local taxes and other funding sources that may be used to more equitably spread the responsibility for funding elementary and secondary education, reduce reliance on property taxes, and enhance equity and adequacy of funding for elementary and secondary education.

**WHEREAS**, continued concerns expressed by citizens about the current level of reliance on property taxes indicate that many citizens believe that existing tax and funding policy for elementary and secondary education is unfair to property owners and to students in property poor districts; and

**WHEREAS**, it is critical to all state citizens that adequate funding for elementary and secondary education be equitably allocated among tax types and taxpayers to provide stable and reliable funding to provide each student a comparable educational opportunity and allocate to each taxpayer an appropriate share of the cost of providing students a quality education; and

**WHEREAS**, rates and bases of taxes imposed by the state and political subdivisions must be thoroughly examined to determine whether they adequately and appropriately allocate tax burdens among taxpayers; and

**WHEREAS**, school funding equity and adequacy issues continue to be among the most difficult for the Legislative Assembly to resolve and have been the subject of court challenges; and

**WHEREAS**, the citizens of the state look to the Legislative Assembly to provide an adequate and equitable resolution of fair taxation and school funding equity and adequacy issues; and

**WHEREAS**, the complexity and interrelationship of equitable tax and funding policy for elementary and secondary education demands thorough study to develop proposals and background information as a starting point for consideration by the Legislative Assembly;

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

That the Legislative Council study state and local taxes and other funding sources that may be used to more equitably spread the responsibility for funding elementary and secondary education, reduce reliance on property tax revenue and ensure the property tax relief is permanent, and enhance equity and adequacy of funding for elementary and secondary education; and

**BE IT FURTHER RESOLVED**, that the interim committee to which the Legislative Council assigns this study may adopt and forward to the Legislative Council proposed legislation without committee recommendation; 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 13, 2005

## CHAPTER 695

### SENATE CONCURRENT RESOLUTION NO. 4040

(Senators Heitkamp, O'Connell, Stenehjem)  
(Representatives Berg, Boucher, Hawken)  
(Approved by the Delayed Bills Committee)

### MARIS HOME RUN RECORD REINSTATEMENT URGED

A concurrent resolution urging the Commissioner of Major League Baseball to reinstate Roger Maris as holder of the single-season major league baseball home run record.

**WHEREAS**, during the first 127 seasons of major league baseball no player recorded more than the 61 home runs hit by Roger Maris in 1961; and

**WHEREAS**, in a span of four years the single-season high number of home runs from the first 127 seasons of major league baseball was surpassed six times by three players, and the likelihood of this occurrence is so statistically remote as to tax the faith of any baseball fan, and each player to perform this feat is widely suspected of using performance-enhancing substances; and

**WHEREAS**, the Congress of the United States has seen fit to conduct hearings to investigate the extent of usage of performance-enhancing substances by major league baseball players; and

**WHEREAS**, baseball fans, more than any other sports fans, cherish the records and history of the game and the integrity of the players who rightfully deserve to be recognized for excelling without cheating; and

**WHEREAS**, a thorough review of the validity of baseball records should be initiated by reinstating the Roger Maris single-season home run record, with the objective of reinstating the integrity of baseball by restoring records to those who have established them through physical and mental ability without the aid of performance-enhancing substances;

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

That the Fifty-ninth Legislative Assembly urges the Commissioner of Major League Baseball to reinstate the single-season major league home run record established by Roger Maris as the valid single-season home run record for major league baseball; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send copies of this resolution to the Commissioner of Major League Baseball, the family of Roger Maris, and each member of the United States Congress.

Filed April 15, 2005