

# SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION NO. 4001  
(Melland, Erdman, Lips, Longmire, Naaden, Pyle, Strinden,  
Thane, Wenstrom)  
(Legislative Council Study)

## URGING EXEMPTION OF PATIENT LABOR FROM MINIMUM WAGE LAW

A concurrent resolution urging the Congress of the United States to pass amendments to the Fair Labor Standards Act to allow exemptions to the minimum wage provisions of the Act when the productivity of patient labor is less than that required of a full-time nonpatient employee, and urging the North Dakota Congressional Delegation to propose such amendments.

WHEREAS, the Congress of the United States has amended the Fair Labor Standards Act, 52, Stat. 1060, 29 U.S.C. S 201 et seq., to provide that a state or political subdivision must comply with the minimum wage provisions of the Act if it is engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of the institution, or a school for the mentally or physically handicapped or gifted children; and

WHEREAS, Congress did not specifically exempt patient-workers at such institutions from the minimum wage provisions of the Act; and

WHEREAS, the Department of Labor has not enforced the minimum wage provisions of the Act relating to patient-workers at such institutions; and

WHEREAS, the Court in Souder v. Brennen, 367 F. Supp. 808 (1973), held that the minimum wage provisions of the Fair Labor Standards Act are applicable to patient-workers in hospitals, homes, and institutions for the mentally ill and mentally retarded, and that such patient-workers are "employees" within the coverage of the Act; and

WHEREAS, the Court noted that the Act contains several specific exemptions to the minimum wage provisions to the Act, but that Congress did not specifically exempt patient-workers in state institutions from coverage by the Act; and

WHEREAS, the Court further ordered the Secretary of Labor to implement reasonable enforcement efforts to apply the minimum wage provisions of the Act to patient-workers at nonfederal

institutions; and

WHEREAS, the state of North Dakota operates the Jamestown State Hospital, the Grafton and San Haven State School, the School for the Blind at Grand Forks, the North Dakota School for the Deaf at Devils Lake, and the Soldiers' Home at Lisbon; and

WHEREAS, the state of North Dakota employs numerous patient-workers at the Jamestown State Hospital and the Grafton State School; and

WHEREAS, many of the tasks performed by patient-workers in such institutions are not performed in a manner whereby productivity is comparable to that of similar work performed outside of such institutions; and

WHEREAS, oftentimes it requires three patient-workers in such institutions to perform the work of one regularly salaried nonpatient employee; and

WHEREAS, much of the work performed in such institutions is therapeutic and allows the patient-worker to enjoy a sense of accomplishment, which is an important part of his therapy, despite being manual; and

WHEREAS, implementation of the minimum wage provisions of the Fair Labor Standards Act may require North Dakota institutions to seek nonpatient labor because the cost of employing patient-workers is high;

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

That the Congress of the United States is hereby urged and requested to pass legislation which would exempt or partially exempt patient-workers at state institutions from the minimum wage provisions of the Fair Labor Standards Act when the productivity of such patient labor is less than that required of full-time nonpatient employees; and

BE IT FURTHER RESOLVED, that the members of the North Dakota Congressional Delegation are hereby urged and requested to introduce legislation in the Congress of the United States which would exempt or partially exempt such patient-workers at such state institutions; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation.

Filed March 6, 1975

SENATE CONCURRENT RESOLUTION NO. 4004  
(Freed, Jones)  
(From Legislative Council Study)

## STUDY OF ADMINISTRATIVE CRIMINAL LIABILITY

A concurrent resolution directing the Legislative Council to carry out a study of the types and appropriateness of criminal liability which arises as a result of violation of administrative regulations; to study the case law and statutes relating to civil and criminal contempt; to study the desirability of appellate review of sentences; to study disqualifications attendant upon criminal liability; and to study the use of certain terminology in the domestic relations statutes.

WHEREAS, the Forty-third Legislative Assembly passed Senate Bill No. 2045 which contained a revised, basic, criminal code; and

WHEREAS, the Legislative Council's interim Committee on Judiciary "A" has, during the 1973-1975 legislative interim, revised all of the criminal statutes of the state which were not encompassed by Senate Bill No. 2045; and

WHEREAS, the interim committee did not have time to adequately consider those instances where existing statutes authorize the creation of criminal liability by administrative action in adopting rules and regulations, violation of which can be punished as a criminal offense; and

WHEREAS, that interim committee was faced with many instances where the differentiation between criminal and civil contempt proceedings and punishments were not clearly delineated by existing statutes, and a comprehensive contempt procedure was not set forth; and

WHEREAS, the use of the words "child", "children", and "minor" or "minors", and "stepchildren" or "foster children" or any other similar designation in the Century Code often seemed to cause confusion, or was otherwise inappropriate; and

WHEREAS, the interim committee believes it desirable that the Legislative Assembly have a thorough study available relating to appellate review of criminal sentences and to possible changes in sentencing procedures; and

WHEREAS, the new criminal code contains provisions dealing with loss of civil rights and other disqualifications resulting from conviction of a felony which provisions are, or may be, in conflict with numerous other statutory disqualifications throughout the Century Code; and

WHEREAS, all statutory statements of disqualification resulting from criminal conviction should be reviewed and harmonized; and

WHEREAS, the Committee on Judiciary "A" did not have time to consider any of the foregoing problems in depth and believes that such consideration should be given to them;

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

That the Legislative Council is hereby directed to study the statutory basis for all administrative rules, orders, and regulations to which criminal liability may attach to determine the necessity for those statutes and whether they are in need of revision; to study all administrative rules, orders, and regulations, in effect or which become effective during the course of the study, to which criminal liability may attach, to determine their constitutionality, desirability, whether criminal sanctions are necessary, and the procedures used in adopting and enforcing those rules, orders, and regulations; to study the constitutional, statutory, and case law bases for criminal and civil contempt proceedings and punishments, to determine if a comprehensive statutory procedure can be established for both criminal and civil contempt; to study and determine the appropriate usage of the words "child", "children", "minor", "minors", "stepchildren", "foster children", and related words in the Century Code; to study sentencing procedures and the appropriateness of appellate review of sentences; and to study and revise, if necessary, the substance and form of all statutory statements of loss of civil rights or other disqualifications resulting from conviction of a crime; and

BE IT FURTHER RESOLVED, that all state governmental entities are hereby directed, and local governmental entities are requested, to give such aid and assistance, including delivery of copies of relevant rules, orders, and regulations, as the Council may reasonably request. The Legislative Council shall seek federal funds to aid in defraying the cost of this study, and so much of the appropriation to the Legislative Council as may be necessary may be used as matching funding for the study. The Council may seek the aid and assistance of the Judicial Council, of members of the bench and bar, and of interested citizens. The Legislative Council shall prepare necessary revision legislation and shall make its report and submit the accompanying legislation to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4006  
(Stroup)

## STUDY OF WATER RIGHTS

A concurrent resolution directing the Legislative Council to study and review the statutes relating to water rights and water appropriation in North Dakota.

WHEREAS, North Dakota is a semiarid state and must conserve, guard, and carefully use its water resources; and

WHEREAS, North Dakota's water resources are vitally important to the State's agricultural industry; and

WHEREAS, North Dakota's future may include unprecedented industrial development that could create major demands on the State's water resources; and

WHEREAS, North Dakota's laws relating to water rights and water appropriation were drawn and enacted prior to the time currently pending industrial developments were foreseen;

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

That the Legislative Council is hereby directed and authorized to conduct an interim study of the laws of North Dakota relating to water rights and water appropriation. Such study shall give special emphasis to the effect that large-scale industrial appropriation of water will have on the State's water resources; conflicts between agricultural appropriation, industrial appropriation, and appropriations for recreational use; the procedure used to grant water appropriation permits; and conflicts existing within Title 61 of the North Dakota Century Code; and

BE IT FURTHER RESOLVED, that the Legislative Council shall conduct such study with the cooperation and assistance of the State Water Commission, the State Engineer, and any other state or federal agency concerned with or having an interest in or an impact upon the ownership and appropriation of waters in North Dakota, and such state agencies shall provide such information and assistance as the Legislative Council may request; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-fifth Legislative Assembly.

SENATE CONCURRENT RESOLUTION NO. 4008  
(Melland)

AMERICAN-CANADIAN LEGION  
MEMORIAL HIGHWAY

A concurrent resolution designating United States Highway No. 281 through the State of North Dakota as "American-Canadian Legion Memorial Highway".

WHEREAS, the United States Highway No. 281 extends from the Mexican border to the Canadian border, across the States of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota and is situated along the geographical center of the United States; and

WHEREAS, the American Legion is desirous of sponsoring an International United States Highway 281 signing project as a bicentennial project by encouraging each of its posts in cities along United States Highway 281 to purchase highway name signs designating the highway as "The American-Canadian Legion Memorial Highway"; and

WHEREAS, the International Highway No. 281 Association convention held at Russell, Kansas, on October 6-7, 1972, wholeheartedly endorsed the new name which was proposed for the highway and wholeheartedly endorsed the signing project;

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

That in honor of the desires of the American Legion and the Highway No. 281 Association, United States Highway No. 281 through the State of North Dakota is hereby redesignated as the "American-Canadian Legion Memorial Highway"; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted by the Secretary of State to the Governor, the State Highway Commissioner, the United States Bureau of Public Roads, the American Legion, department of North Dakota, and to the North Dakota Highway No. 281 Association.

Filed-March 24, 1975

SENATE CONCURRENT RESOLUTION NO. 4009  
(Lips)

## URGING BANK STABILIZATION WORK

A concurrent resolution urging Congress to direct the United States Army Corps of Engineers to construct and maintain at federal expense additional bank stabilization works on the Missouri River in North Dakota.

WHEREAS, as a part of the Missouri River Basin Development Project, dams and large reservoirs have been constructed by the Federal Government which occupy all the reaches of the Missouri River extending from Gavins Point Dam in South Dakota to Williston, North Dakota, with the lone exception of an eighty-mile stretch between the Oahe and Garrison Reservoir in North Dakota; and

WHEREAS, the remaining channel between the Oahe Reservoir and Garrison Dam no longer performs its function as a natural river but is now acting as a regulated channel for the conveyance of water needed to meet the requirements of flood control, irrigation, navigation, power generation, municipal and industrial water supplies, pollution control, recreation, and fish and wildlife purposes; and

WHEREAS, the stored water in the Garrison Reservoir is released in such manner as to accommodate the downstream beneficiaries, as evidenced by the following facts:

1. The water is virtually silt-free when it enters the channel and has tremendous ability to pick up its former bedload in the form of silt; and
2. The releases are fluctuated to accommodate the hydroelectric generation demand with variations from four thousand to thirty-two thousand cubic feet per second, thereby causing surging conditions which aggravate any existing erosion problem and cause an annual loss as high as six hundred forty acres of valuable agricultural bottomlands; and

WHEREAS, this intensive erosion is causing reservoir aggradation and subsequent high water table problems in the upper reaches of the Oahe Reservoir extending south from the Memorial Bridge at Bismarck; and

WHEREAS, the Corps of Engineers has a study underway to determine the feasibility of installing additional electric generating capacity in Garrison Dam which, if installed, would require even greater fluctuations in releases from the dam, thereby increasing the rate of erosion and further threatening land by erosion in the areas affected; and

WHEREAS, a portion of this threatened land is now being irrigated or has an irrigation potential which is of great economic value to the adjacent localities and to the State of North Dakota, and the bank erosion occurring and the threat of such erosion is discouraging the development of the irrigation potential of this area; and

WHEREAS, industries that desire to locate adjacent to the river are being forced to seek more distant sites because of the uncertainty of maintaining their plants at a permanent location; and

WHEREAS, the need for additional energy production for the Nation is prompting rapid expansion of lignite mining in North Dakota and water supplies to support the energy-producing industries are principally from this reach of the river under heavy erosive attack jeopardizing intake facilities; and

WHEREAS, reservoir aggradation and the subsequent high water table may endanger an extensive residential developed area and extensive business complex area in south Bismarck; and

WHEREAS, a segment of Interstate Highway I-94 is being threatened by erosion, and bank erosion has occurred and continues to consume large portions of the public scenic area lying adjacent to I-94; and

WHEREAS, federal lands, state lands, public parks, and historic sites of national prominence are a part of the area affected; and

WHEREAS, Congress has authorized the expenditure of twenty-five million dollars in four river basins in the United States, which includes the Missouri River in North Dakota, through the Water Resources Act of 1974; and

WHEREAS, some bank stabilization works already constructed by the Federal Government are effectively protecting the areas in which they are located and attest to the need for similar works at other locations; and

WHEREAS, twenty-five hundred irrigatable acres, a significant acreage of woodlands, a county road, two farmsteads, two intake structures, and several high capacity water wells are also threatened along the banks of the Yellowstone River from its point of entry to North Dakota to its mouth southwest of



the City of Williston.

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

That the Forty-fourth Legislative Assembly of the State of North Dakota recommends and respectfully urges the Congress to direct and authorize the United States Army Corps of Engineers to construct additional structures and provide technical assistance needed to stabilize the banks of the aforesaid segments of the Missouri and Yellowstone Rivers on an emergency basis; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly of the State of North Dakota recommends and respectfully urges the Congress to direct and authorize the United States Army Corps of Engineers to expend the necessary funds for bank stabilization construction in North Dakota from the appropriations provided through the Water Resources Act of 1974; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted by the Secretary of State to the members of the North Dakota Congressional Delegation; Chief of Engineers, Department of the Army, Washington, D.C.; Division Engineer, Missouri River Division, Corps of Engineers, Omaha, Nebraska; District Engineer, Corps of Engineers, Omaha, Nebraska; and Area Engineer, Corps of Engineers, Riverdale, North Dakota.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4011  
(Committee on Industry, Business, and Labor)  
(At the request of the Public Service Commission)

## STUDY OF P.S.C. JURISDICTION

A concurrent resolution directing the Legislative Council to study and review the jurisdiction of the public service commission including the possibility of taking certain departments from the public service commission as well as adding other departments or agencies to the jurisdiction of the public service commission.

WHEREAS, the North Dakota public service commission has jurisdiction over the following: auctioneers, electric utilities, rural telephone cooperative corporations, natural gas and pipeline companies, telephone and telegraph companies, railroad companies, motor carriers, ferries, weights and measures, weighmen, grain warehousing and other storage companies, and reclamation of surface mined lands; and

WHEREAS, certain of the above-named departments may properly belong with other state agencies; and

WHEREAS, there are areas of regulation not presently subject to the jurisdiction of the North Dakota public service commission such as the regulation of the oil and gas industry and intrastate air carriers; and

WHEREAS, these are areas of state government which could benefit by cooperation among state agencies or, at least, where the advantages and disadvantages of cooperation should be thoroughly reviewed and discussed;

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

That the Forty-fourth Legislative Assembly direct the Legislative Council to designate a committee to conduct the necessary review and study and that this committee also be authorized to serve as a vehicle for whatever conferences and meetings may be necessary; and

BE IT FURTHER RESOLVED, that the Legislative Council may appoint such non-legislative members to this committee as it may deem necessary and appropriate; and

BE IT FURTHER RESOLVED, that the Legislative Council make its report and recommendations from this study to the Forty-fifth Legislative Assembly together with any legislation required to carry out its recommendations and that all state agencies, departments, boards, and commissions lend information and assistance to this study as requested by the Legislative Council.

## SENATE CONCURRENT RESOLUTION NO. 4012

(Lashkowitz)

## COMMENDING AIR NATIONAL GUARD

A concurrent resolution commending the North Dakota Air National Guard's 119th Fighter Interceptor Group on its selection as the most outstanding Air Force interceptor/tactical fighter squadron for 1974.

WHEREAS, the United States Air Force annually presents the coveted Hughes Achievement Award to the most outstanding Air Force interceptor/tactical fighter squadron with a primary mission in air defense; and

WHEREAS, this competition annually pits nominees submitted by the Air Defense Command, Tactical Air Command, the Pacific Air Command, U.S. Air Force in Europe, the Alaskan Air Command, and the Air National Guard against each other; and

WHEREAS, selection of the recipient of the Hughes Trophy is based on aircraft maintenance effectiveness, the most recent major air command operational readiness inspection, individual and unit achievements; and

WHEREAS, the North Dakota Air National Guard's 119th Fighter Interceptor Group is the first Air National Guard unit in the Nation to win the Hughes Achievement Award in the twenty-two year history of the competition; and

WHEREAS, 1974 marks the third time since 1970 that the "Happy Hooligans" of the 119th have emerged victorious in a major phase of worldwide Air Force competition;

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

That the Forty-fourth Legislative Assembly extends to the North Dakota Air National Guard sincere congratulations and commendations for the honors it has won not only for itself but for the State of North Dakota and all of its citizens, honors which bring forth deep-felt feelings of pride in all North Dakotans on the high state of readiness and the quality of training exhibited by the North Dakota Air National Guard; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Chief of the National Guard Bureau, Washington, D.C.; the Director of the Air National Guard, Washington, D.C.; the Adjutant General of the North Dakota National Guard; and the Commanding Officer of the 119th Fighter Interceptor Group.

Filed January 30, 1975

## SENATE CONCURRENT RESOLUTION NO. 4013

(Homuth)

COMMENDING CITIZENS FOR HELP  
DURING STORM

A concurrent resolution commending all of the people of North Dakota who gave time and effort to help out their fellow citizens during the winter storm of January 10-12, 1975.

WHEREAS, the winter storm of January 10-12, 1975, presented a serious hazard to the lives and health of many of the people of the State of North Dakota; and

WHEREAS, the radio and television broadcasting stations of this State gave unstintingly of their time to provide emergency message service; and

WHEREAS, numerous public employees of the Highway Patrol, policemen, sheriffs, road maintenance and medical departments worked long hours under arduous conditions to provide all types of emergency assistance; and

WHEREAS, many food and drug stores remained open to supply food and drug needs, and many organizations, including snowmobile clubs, provided help in transporting people and material throughout the storm; and

WHEREAS, construction and power companies provided heavy equipment for emergency rescue and for restoration of utility services; and

WHEREAS, many North Dakota homes were opened up to stranded travelers who would otherwise have been left to face the elements, and many other North Dakotans provided individual acts of unselfish heroism in the highest spirit of cooperation; and

WHEREAS, all North Dakotans should be thankful to all of those individuals who gave of themselves to help others during this dangerous time;

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

That the Forty-fourth Legislative Assembly does express its gratitude to all of those individuals whose great or small efforts, helped to avert tragedy; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of the Senate to every radio and television station and to every daily and weekly newspaper so that this expression of gratitude may be transmitted in the broadest possible way.

Filed January 30, 1975

SENATE CONCURRENT RESOLUTION NO. 4016  
(Stroup)

## STUDY OF ADMINISTRATIVE HEARINGS

A concurrent resolution directing the Legislative Council to study the general area of administrative hearings.

WHEREAS, in addition to the hearings called and provided for under the North Dakota Administrative Procedures Act, there are numerous other hearings either required or provided for in other sections of state law; and

WHEREAS, there is a striking lack of uniformity in state laws concerning hearings as far as the provisions regarding notice, timeliness, composition of the hearing panel, right to a hearing, right of appeal, and many other areas; and

WHEREAS, with regulation by state governmental agencies and other agencies, boards, and commissions seemingly constantly on the increase, the matter of administrative hearings is becoming more and more of a factor in the everyday lives of many individuals and businesses; and

WHEREAS, there have been several court decisions and studies on a regional and national level in recent years concerning the general area of administrative hearings from which North Dakota could greatly benefit; and

WHEREAS, the full rights of the individual, acting either on his own behalf or on the behalf of a business enterprise, must be fully protected and honored in all administrative procedures, but most especially in administrative hearings which are more and more taking on quasi-judicial characteristics; and

WHEREAS, because of several reasons, such as the cost or the lack of time, an administrative hearing is the only avenue of redress for many North Dakota citizens aggrieved by an administrative decision, action, rule, or regulation; and

WHEREAS, the final refuge people have in all governmental procedures is that of due process, the eternal friend of justice and unrelenting foe of undue passion;

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

That the Forty-fourth Legislative Assembly direct the Legislative Council to study the general area of administrative hearings and all of the various factors involved in the hearings, including the procedures and practices prior to and after such hearings, the appeals available, the measures for safeguarding the rights of persons appearing before the hearings, the desirability and feasibility of bringing uniformity to all of the state laws concerning administrative hearings, and the overall role of administrative hearings in state government to ensure the constitutional guarantee of due process of law; and

BE IT FURTHER RESOLVED, that all state agencies, departments, boards, and commissions assist the Legislative Council as requested and that the Legislative Council make its report and recommendations from this study to the Forty-fifth Legislative Assembly, together with any legislation required to carry out such recommendations.

Filed April 15, 1975

## SENATE CONCURRENT RESOLUTION NO. 4017

(Committee on Employment)

## LEGISLATIVE EMPLOYEES

A concurrent resolution providing and designating Senate and House employees and fixing their salaries.

BE IT RESOLVED BY THE SENATE OF THE FORTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1.) That for and during the Forty-fourth Legislative Assembly the following named persons are employed and appointed as supervisory employees of the Senate and House and shall be paid the weekly wages opposite their respective names in accordance with their positions as shown below:

## SENATE

Leo Leidholm, Secretary of the Senate	\$269.00
Arthur Herk, Assistant Secretary of the Senate	236.00
Doris McMahon, Desk Reporter	264.00
J. Vernon Asheim, Bill Clerk	212.00
Mary Alice Simonson, Chief Stenographer & Payroll Clerk	200.00
Peggy Ormseth, Chief Committee Clerk	200.00
Gladys Derrick, Appropriations Committee Clerk	200.00
Albert Bradley, Sergeant-at-Arms	175.00
Wanda Froelich, Chief Page	168.00
Olger Sandven, Deputy Sergeant-at-Arms	160.00
Peggy Stenehjelm, Chief Telephone Attendant	160.00

## HOUSE

Roy Gilbreath, Chief Clerk	269.00
Delano Wawers, Assistant Chief Clerk	236.00
Barbara King, Desk Reporter	264.00
Clara Wendt, Bill Clerk	212.00
Louise Ebert, Chief Committee Clerk	200.00
Tillie Johanneson, Chief Stenographer & Payroll Clerk	200.00
LuGale Backlin, Appropriations Committee Clerk	200.00
Cecil Crandell, Sergeant-at-Arms	175.00
Adeline Lee, Chief Page	168.00
Alvin Manning, Chief Journal and Bill Room Clerk	168.00
Jack Wheratt, Deputy Sergeant-at-Arms	160.00

SECTION 2.) That for and during the Forty-fourth Legislative Assembly the following named persons are employed and appointed as employees of the Senate and House and shall be paid the wages opposite their respective names in accordance with their positions as shown below:

## SENATE

NAME AND POSITION	HOURLY RATE	SEASONAL EMPLOYMENT INCREMENT	TOTAL HOURLY PAY RATE
Eileen Gerl, Secretary to the President	\$3.90	\$.50	\$4.40
Lois J. Scherr, Secretary to the Majority Floor Leader	3.90	.50	4.40
Mona Ziegler, Secretary to the Minority Floor Leader	3.90	.50	4.40
Thomas Schneider, Calendar Clerk	3.70	.50	4.20
Sandi Chesrown, Committee Clerk	3.70	.50	4.20
Elsie Christensen, Committee Clerk	3.70	.50	4.20
Charlotte Kamins, Committee Clerk	3.70	.50	4.20
Lyla Flagg, Committee Clerk	3.70	.50	4.20
Delma Bechtel, Committee Clerk	3.70	.50	4.20
Carol Kainz, Committee Clerk-Steno	3.70	.50	4.20
Susan Hylander, Committee Clerk-Steno	3.70	.50	4.20
Lorraine Moos, Committee Clerk-Steno	3.70	.50	4.20
Linda Johnson, Committee Clerk-Steno	3.70	.50	4.20
Janna Tjaden, Enrolling and Engrossing Clerk	3.70	.50	4.20
Ruth Moyer, Assistant Enrolling and Engrossing Clerk	3.70	.50	4.20
Juleen Cunningham, Journal Proofreader	3.70	.50	4.20
Patricia Martin, Journal Proofreader	3.70	.50	4.20
Christine Hill, Stenographer	3.40	.50	3.90
Jane Thoemke, Stenographer	3.40	.50	3.90
Yvonne Dosch, Stenographer	3.40	.50	3.90
Francine Gill, Stenographer	3.40	.50	3.90



NAME AND POSITION	HOURLY RATE	SEASONAL EMPLOYMENT INCREMENT	TOTAL HOURLY PAY RATE
Cindy Dietz, Stenographer, part-time	\$3.40	\$.50	\$3.90
Joan Von Rueden, Stenographer, part-time	3.40	.50	3.90
Hilda Stokes, Telephone Attendant	3.20	.50	3.70
Phyllis Connolly, Telephone Attendant	3.20	.50	3.70
John Dockter, Parking Lot Attendant	3.20	.50	3.70
Ralph Scott, Assistant Sergeant- at-Arms	3.20	.50	3.70
Milbern Clendenen, Assistant Sergeant- at-Arms	3.20	.50	3.70
Sewell Peterson, Assistant Sergeant- at-Arms	3.20	.50	3.70
Stanley Schultz, Assistant Sergeant- at-Arms	3.20	.50	3.70
Esther Davis, Information Desk Attendant	3.20	.50	3.70
Alvin Wollan, Page	3.20	.50	3.70
Karen Schmidt, Page	3.20	.50	3.70
Desiree Wildfang, Page	3.20	.50	3.70
Jean Meschke, Page	3.20	.50	3.70
Elaine Stern, Page	3.20	.50	3.70
Bob Evandenko, Bill Book Clerk	3.20	.50	3.70
Sheryl Manstrom, Bill Book Clerk	3.20	.50	3.70
Joanne Hetland, Bill Book Clerk	3.20	.50	3.70
Richard Wittmayer, Bill Room Clerk	3.20	.50	3.70
Willard Yule, Bill Room Clerk	3.20	.50	3.70
Hazel Ludemann, Journal Room Clerk	3.20	.50	3.70
Cliff Bender, Journal Room Clerk	3.20	.50	3.70
Kari Lee, Assistant Appropriations Committee Clerk	3.10	.50	3.60
Fred Bosch, Custodian	2.20	.50	2.70

NAME AND POSITION	HOURLY RATE	SEASONAL EMPLOYMENT INCREMENT	TOTAL HOURLY PAY RATE
Lucas Giesinger, Custodian	\$2.20	\$.50	\$2.70
Joe Emineth, Custodian	2.20	.50	2.70
Edwin Keller, Custodian	2.20	.50	2.70
HOUSE			
Eileen Schneider, Committee Clerk	3.70	.50	4.20
Barbara Abfalter, Committee Clerk	3.70	.50	4.20
Dorothy Johnsen, Committee Clerk	3.70	.50	4.20
Peggy Larson, Committee Clerk	3.70	.50	4.20
Janice Thon, Committee Clerk	3.70	.50	4.20
Lela Knudsen, Committee Clerk	3.70	.50	4.20
Mary Kay Braus, Committee Clerk	3.70	.50	4.20
Helen Soma, Committee Clerk	3.70	.50	4.20
Roberta Rose, Committee Clerk	3.70	.50	4.20
James Sette, Calendar Clerk	3.70	.50	4.20
Ron Otto, Enrolling and Engrossing Clerk	3.70	.50	4.20
Maude Grambs, Assistant to Committee Clerks	3.50	.50	4.00
Sonja Jossart, Assistant Appropriations Committee Clerk	3.10	.50	3.60
Eleanor Runyan, Secretary to the Speaker	3.90	.50	4.40
Mavis Patchen, Secretary to the Majority Floor Leader	3.90	.50	4.40
Jeri Kerchmeier, Secretary to the Minority Floor Leader	3.90	.50	4.40
Gil Malek, Assistant Sergeant-at-Arms	3.20	.50	3.70
Clinton Sheffield, Assistant Sergeant- at-Arms	3.20	.50	3.70
Neil Tillapaugh, Assistant Sergeant- at-Arms	3.20	.50	3.70

NAME AND POSITION	HOURLY RATE	SEASONAL EMPLOYMENT INCREMENT	TOTAL HOURLY PAY RATE
Art Buchwitz, Assistant Sergeant-at-Arms	\$3.20	\$.50	\$3.70
Paul Rioux, Assistant Sergeant-at-Arms	3.20	.50	3.70
Shelly Koch, Bill and Journal Room Clerk	3.20	.50	3.70
Enola Eck, Bill and Journal Room Clerk	3.20	.50	3.70
Evelyn Sholts, Bill and Journal Room Clerk	3.20	.50	3.70
Pearl Andre, Bill and Journal Room Clerk	3.20	.50	3.70
Pearl Erickson, Bill and Journal Room Clerk	3.20	.50	3.70
Beverly Kelly, Stenographer	3.40	.50	3.90
Andrea Perry, Stenographer	3.40	.50	3.90
Mary Schmidt, Stenographer	3.40	.50	3.90
Judy Kay Hoffman, Stenographer	3.40	.50	3.90
Conna Cook, Stenographer	3.40	.50	3.90
Lana Opp, Typist	3.20	.50	3.70
Thomas Neill, Assistant Enrolling & Engrossing Clerk	3.70	.50	4.20
Linda Lang, Page and Bill Book Clerk	3.20	.50	3.70
Cheryl Parkin, Page and Bill Book Clerk	3.20	.50	3.70
Nancy Keating, Page and Bill Book Clerk	3.20	.50	3.70
Ruby Stadick, Page and Bill Book Clerk	3.20	.50	3.70
Ranette Schmidt, Page and Bill Book Clerk	3.20	.50	3.70
Tim Bishy, Page and Bill Book Clerk	3.20	.50	3.70
Bruce Quale, Page and Bill Book Clerk	3.20	.50	3.70
Allison Schultz, Page and Bill Book Clerk	3.20	.50	3.70
Christine Koch, Page and Bill Book Clerk	3.20	.50	3.70
Donelda Lucas, Page and Bill Book Clerk	3.20	.50	3.70
Cynthea Heintz, Page and Bill Book Clerk	3.20	.50	3.70

NAME AND POSITION	HOURLY RATE	SEASONAL EMPLOYMENT INCREMENT	TOTAL HOURLY PAY RATE
Cheryl Pennington, Page and Bill Book Clerk	\$3.20	\$.50	\$3.70
Renee Ulmer, Page and Bill Book Clerk	3.20	.50	3.70
Bonnie Stein, Page and Bill Book Clerk	3.20	.50	3.70
Willa Carlson, Telephone Attendant	3.20	.50	3.70
Shirley Cooper, Telephone Attendant	3.20	.50	3.70
Eunice Anderson, Information Desk Attendant	3.20	.50	3.70
Wade Smith, Parking Lot Attendant	3.20	.50	3.70
Marion Hadzor, Journal Proofreader	3.70	.50	4.20
Freda Borth, Journal Proofreader	3.70	.50	4.20
John Sprynczynatyk, Custodian	2.20	.50	2.70
Jacob Ell, Custodian	2.20	.50	2.70
Matt Roehrich, Custodian	2.20	.50	2.70
Arnold Schmitt, Custodian	2.20	.50	2.70

All hourly employees, except part-time employees, shall receive pay for a minimum of forty hours of work each week, except for the first and last week of the Legislative Session.

SECTION 3.) That for and during the forty-fourth Legislative Assembly, Barb Gletne, Polly Hansen, Jim Haskins, Mark Johnson, Tom Kuchera, Duane Lillehaug, Alice Olson, Arly Richau, Doug Stine, Bob Udland, Gary Weibe, and Keith Wolberg are employed at a rate of \$600.00 per month or a portion thereof based upon the portion of any month they are employed, in the position of Legislative Intern; and Kim Pennington and Mary Price are employed at a rate of \$600.00 per month or a portion thereof based upon the portion of any month they are employed, in the position of Bill Status Reporters; and Boyd L. Wright is employed at a rate of \$287.50 per week or a portion thereof based upon the portion of any week he is employed, in the position of Legislative Intern Supervisor; and are hereby assigned for supervision purposes to the Legislative Council.

SECTION 4.) In the event any employee shall resign, be discharged, or for other reasons terminate his employment, the compensation provided for in this resolution shall cease, effective the last day of such employment.

Filed February 6, 1975

SENATE CONCURRENT RESOLUTION NO. 4018  
(Melland)

## BALANCED FEDERAL BUDGET AMENDMENT

A concurrent resolution of the North Dakota Legislature calling for an amendment to the U.S. Constitution proposing to the several states the requirement of a balanced U.S. cash budget for each session of Congress except in time of war or national emergency.

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

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purpose as provided by Article V of the Constitution, the proposed Article providing as follows:

### ARTICLE \_\_\_\_\_

SECTION 1. The president shall submit, at the beginning of each new Congress, an annual budget for the ensuing fiscal year setting forth in detail the total proposed expenditures and the total estimated revenue of the Federal Government from sources other than borrowing. The president may set new revenue estimates from time to time. Expenditures for each two-year period shall not exceed the estimated revenue except in time of war or a national emergency declared by the Congress. The provisions of this Article shall not apply to the refinancing of the national debt; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the legislatures of the several states.

Filed March 11, 1975

SENATE CONCURRENT RESOLUTION NO. 4019  
(Barth)OPPOSITION TO CORPS OF ENGINEERS  
LAND ACQUISITION PLAN

A concurrent resolution opposing a Corps of Engineers land acquisition plan along the Missouri River for the stated purposes of flood control and state game propagation.

WHEREAS, the U. S. Army Corps of Engineers is attempting to acquire approximately 3,000 acres of land, lying on either side of the Missouri River in Morton and Burleigh Counties immediately south of the City of Bismarck, for the claimed purposes of flood control and state wildlife propagation; and

WHEREAS, the Corps of Engineers was negligent in not obtaining such land in 1963 when funds were first appropriated and when such land was unsettled and unproductive, and now such land has been developed and is highly productive; and

WHEREAS, the desirability of state control of such land for wildlife propagation has been investigated at the direction of Governor Arthur A. Link and has been found to be unacceptable because of the level of development thereon; and

WHEREAS, the use of the majority of such land for flood control purposes is implausible because of the height of such land; and

WHEREAS, the Corps of Engineers has not made clear its true intentions and purposes regarding such land; and

WHEREAS, the North Dakota Congressional Delegation has in the past opposed the acquisition of such land by the Corps of Engineers and funds previously appropriated by Congress for such land have been withdrawn;

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

That the Forty-fourth Legislative Assembly opposes the proposed land acquisition program by the Army Corps of Engineers for its stated purposes; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly strongly urges the North Dakota Congressional Delegation

to oppose the proposed land acquisition program by the Army Corps of Engineers for its stated purposes; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly strongly urges the President and Congress of the United States to examine the procedures of the Corps of Engineers regarding the proposed land acquisition program; and

BE IT FURTHER RESOLVED, that officials within the Army Corps of Engineers inform state officials of and discuss with them the true intentions and purposes of the Corps of Engineers regarding the proposed land acquisition program; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to President Gerald R. Ford, to the President of the Senate and the Speaker of the House, to the Chief of the Army Corps of Engineers, and to each member of the North Dakota Congressional Delegation.

Filed March 24, 1975

SENATE CONCURRENT RESOLUTION NO. 4020  
(Nething, Freed, Kautzmann, Lashkowitz, Lips)

## URGING AMTRAK TO IMPROVE SERVICE

A concurrent resolution urging AMTRAK to improve the service and facilities of the national rail passenger service.

WHEREAS, AMTRAK, the corporation designated by Congress to provide a minimum basic national rail passenger service, has drastically reduced such service to such an extent as to destroy the purposes for which said Law was intended, all to the detriment of the nation as a whole and the traveling public;

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

That AMTRAK is urged to institute daily passenger train service, both directions, over the former Northern Pacific Railway route on the Burlington Northern, Inc., Lines, through the State of North Dakota and that it continue to maintain such service on the former Great Northern Railway route of the Burlington Northern and that it improve the quality of its schedules, equipment, facilities, and service in order to attract greater use of its service.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of AMTRAK and to each member of the North Dakota Congressional Delegation.

Filed March 24, 1975



SENATE CONCURRENT RESOLUTION NO. 4021  
(Stroup, Lee, Nasset)

## STUDY OF ECONOMIC TRENDS

A concurrent resolution directing the Legislative Council to study and review, as part of the study carried out by the resources research committee, the trends and potential of various types of economic development in North Dakota.

WHEREAS, there is an impending major expansion in North Dakota in the mining of lignite coal and an expansion of present, and development of new, facilities to convert lignite coal into other forms of energy; and

WHEREAS, with the completion of the first units of the Garrison Diversion Project, major new blocks of land will come under irrigation for the first time with resulting changes in the type of agricultural activities that have traditionally been carried on within the State; and

WHEREAS, as a result of changes in agriculture caused by irrigation, an increase in the food processing and packaging industry may occur, and the mining and conversion of lignite coal may well encourage the development of chemical, fertilizer, and other industries using the by-products from coal conversion; and

WHEREAS, the development and expansion of other industries will occur in future years through the growing national trend towards the dispersion of industry and population;

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

That the Legislative Council is hereby authorized and directed to study and review, to the extent feasible, the trends, potential, and possible economic development that may occur in North Dakota in future years, its probable impact upon the State and its citizens as well as upon the traditional way of life in the State. This study may be carried out by the resources research committee established by the Legislative Council pursuant to House Bill No. 1004. The Legislative Council shall report its findings, as well as any recommendations, to the Forty-fifth Legislative Assembly as well as any legislation necessary to carry out such recommendations; and

BE IT FURTHER RESOLVED, that the Legislative Council may call upon all departments, agencies, institutions, and political subdivisions of the State for such aid, information, and assistance as it may deem necessary in carrying out such study and review.

## SENATE CONCURRENT RESOLUTION NO. 4024

(Longmire)

## EDITORS DAY

A concurrent resolution designating February 7, 1975, as North Dakota Editors Day at the Forty-fourth Legislative Assembly, and welcoming Mr. Gerald Lee Warren, a distinguished journalist and Deputy White House Press Secretary, to North Dakota.

WHEREAS, the members of North Dakota's esteemed Fourth Estate, the editors and reporters of the State's daily, semi-weekly, and weekly newspapers, are dedicated to informing the citizens of the state and thus serve a vital function in the democratic processes; and

WHEREAS, the North Dakota professional chapter of Sigma Delta Chi and the North Dakota Newspaper Association (NDNA) are sponsoring the biennial Editors Day at the Legislature February 7, 1975; and

WHEREAS, the Editors Day Luncheon, to which members of the Forty-fourth Legislative Assembly have been invited by members of the Press from their respective districts, will feature as speaker Mr. Gerald Lee Warren, the Deputy White House Press Secretary;

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

That the Forty-fourth Legislative Assembly commends North Dakota's editors and reporters for their continuing service to all the citizens of the State, and declares that February 7, 1975, is hereby designated Editors Day at the 1975 Legislature; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly extends a hearty and sincere North Dakota welcome to Mr. Gerald Lee Warren, and hopes that his stay in the State is pleasant and enjoyable; and

BE IT FURTHER RESOLVED, that each Senator and Representative make every effort to attend the luncheon February 7, 1975, at the invitation of Sigma Delta Chi and the NDNA; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the national and North Dakota presidents of Sigma Delta Chi, the president of the North Dakota Newspaper Association, and to Mr. Gerald Lee Warren, Deputy White House Press Secretary, Washington, D.C.

Filed January 30, 1975

SENATE CONCURRENT RESOLUTION NO. 4025  
(Lips)

STUDY OF BENEFIT FORMULA FOR  
STATE RETIREMENT PROGRAM

A concurrent resolution directing a study by the Legislative Council to determine the feasibility of adopting a benefit formula retirement plan for the public employees' retirement system.

WHEREAS, the public employees' retirement system was established in 1965 with a money purchase plan for the receipt of retirement benefits; and

WHEREAS, a money-purchase retirement benefit plan is subject to cyclical and irregular shifts in the stock and corporate bond market which can act to the detriment of public employees through reduction in retirement benefits available; and

WHEREAS, except for North Dakota, every state in the Nation has a public employees' retirement program with a benefit formula plan for the receipt of retirement benefits; and

WHEREAS, a benefit formula plan offers retirement benefits to employees which are not based upon cyclical and irregular shifts in the stock and corporate bond market; and

WHEREAS, a benefit formula plan for retirement benefits for public employees has been found to be actuarially sound in those states with such a plan in their retirement systems; and

WHEREAS, a comprehensive study should be conducted to determine the actuarial soundness and the feasibility of a benefit formula plan for the public employees' retirement system;

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

That the Legislative Council is authorized and directed, with the assistance and cooperation of the North Dakota Public Employees' Retirement Board, to make a comprehensive study of the public employees' retirement system for the purpose of determining the feasibility of a change in the public employees' retirement system, from a money purchase plan for receiving retirement benefits to a benefit formula plan; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report to the Forty-fifth Legislative Assembly together with such legislation as may be necessary to carry out its recommendations.

SENATE CONCURRENT RESOLUTION NO. 4026  
(Morgan, Thane, Iszler)

URGING INCREASED FEDERAL ESTATE  
TAX EXEMPTION

A concurrent resolution urging Congress to raise the federal estate tax exemption to two hundred thousand dollars.

WHEREAS, the current federal estate tax exemption of sixty thousand dollars was set in 1942; and

WHEREAS, no allowance for the increased cost of living has since been provided in the estate tax exemption, although the income tax law has been changed several times since then; and

WHEREAS, our massive current inflationary trends cause a once sufficient exemption to no longer adequately provide for the protection of a widow and children; and

WHEREAS, the need to stimulate spending in a lagging economy is at its greatest in many years; and

WHEREAS, the estate tax provides an extremely small percentage of federal revenue under any conditions;

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

That the Forty-fourth Legislative Assembly urges Congress to raise the federal estate tax exemption to two hundred thousand dollars; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the North Dakota Congressional Delegation, the chairman of the House Ways and Means Committee, and the director of the Internal Revenue Service.

Filed March 11, 1975

SENATE CONCURRENT RESOLUTION NO. 4028  
(Erdman, Berube, L. Christensen, Jones, Larson)

## URGING PAYMENTS TO FARMERS FOR BIRD DEPREDAATION

A concurrent resolution urging Congress to provide financial reimbursement to farmers who suffer substantial grain loss due to depredation by ducks and geese.

WHEREAS, the federal Bureau of Sport Fisheries and Wildlife controls the laws relating to protection of migratory waterfowl; and

WHEREAS, the laws prohibit destruction of migratory waterfowl except during hunting seasons; and

WHEREAS, the State of North Dakota is a primary producer of small grains and a primary production area for migratory waterfowl; and

WHEREAS, migratory waterfowl consume and destroy great amounts of grain each year; and

WHEREAS, this grain is private property constituting the personal income of the farmers growing it; and

WHEREAS, farmers bear the entire burden of crop damage caused through depredation by ducks and geese;

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

That the Congress of the United States be urged to support a pilot project in three counties in North Dakota which will involve a program to purchase selected fields for lure crops, an insurance program to insure farmers against waterfowl losses, and a research effort to gain more information on the extent of waterfowl depredation losses; and

BE IT FURTHER RESOLVED, that Congress be urged to continue funding of research to be conducted by the federal Bureau of Sport Fisheries and Wildlife for the control of grain depredation caused by migratory waterfowl; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of the Interior, and to each member of the North Dakota Congressional Delegation.

Filed March 18, 1975

SENATE CONCURRENT RESOLUTION NO. 4029  
(L. Christensen)

EXPRESSING SUPPORT FOR  
GARRISON DIVERSION

A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the Garrison Diversion Project and urging that the Bureau of Reclamation deal more equitably with persons affected by the project.

WHEREAS, the construction and development of the Garrison Diversion Unit of the Missouri River Basin Project will provide an assured supply of good water throughout central and eastern North Dakota for irrigational, municipal and industrial, recreational, and fish and wildlife use, and will bring a new era of economic growth to North Dakota and many benefits to the region and Nation; and

WHEREAS, the urgent need for the development of the Garrison Diversion Unit to provide for the many project purposes is accompanied by a strong desire among the prospective water users and project beneficiaries for the furtherance of this development; and

WHEREAS, landowners adjacent to an irrigation canal suffer adverse effects resulting from construction of such a canal, and may lose their water wells, or have their farm or ranch units severely dissected and in many cases may not be entitled to draw water for their own use from the canal; and

WHEREAS, the Forty-fourth Legislative Assembly of the State of North Dakota is considering legislation which would enlarge the powers of the Garrison Diversion Conservancy District Board of Directors to assist landowners who have been affected by the Garrison Diversion Unit; and

WHEREAS, the Bureau of Reclamation has made efforts and has taken steps to effect substantial improvement in the land acquisition program and to improve its relationships with landowners;

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

That the Forty-fourth Legislative Assembly express its appreciation for the progress that has been made in the construction and development of the Garrison Diversion Unit; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly strongly urges continued efforts of the Bureau of Reclamation to deal more equitably with landowners affected by construction of canals under the Garrison Diversion Project, that landowners severely damaged by the construction of an irrigation canal be allowed to draw water from such canal regardless of membership or nonmembership in an irrigation district, and that the agency give more adequate consideration to the needs of the individual and to the solution of problems which arise in communities affected by their operations; and

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

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4030  
(Morgan, Smykowski)

## URGING CHANGES IN MIGRATORY BIRD LAW

A concurrent resolution urging the President of the United States to seek an amendment to the Convention for the Protection of Migratory Birds and Mammals.

WHEREAS, Blackbirds, Grackles, and Cowbirds destroy many dollars worth of sunflowers in this State every year; and

WHEREAS, the production of sunflowers and sunflower seeds is a necessary and important part of the economy of this State, and that for this reason, crops must be protected from flocks of marauding birds; and

WHEREAS, certain Blackbirds, Grackles, and Cowbirds are federally protected birds under the terms of the Convention for the Protection of Migratory Birds and Mammals, proclaimed by the President of the United States on March 15, 1937; and

WHEREAS, such birds are classed as harmful wild birds under the laws of this State but may not be hunted because of federal protection; and

WHEREAS, the removal of such birds from the terms of the Convention would remove them from the status of a federally protected bird;

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

That the President of the United States is urged to seek an amendment to the Convention for the Protection of Migratory Birds and Mammals, existing between the government of the United States and the government of Mexico, proclaimed by the President on March 15, 1937; and

BE IT FURTHER RESOLVED, that such amendment should include the following birds of the family Icteridae: Red-Winged Blackbird (*Agelaius Phoeniceus*), Yellow-Headed Blackbird (*Xanthocephalus Xanthocephalus*), Brewer's Blackbird (*Euphagus Cyanocephalus*), Rusty Blackbird (*Euphagus Carolinus*), Common Grackle (*Quiscalus Quiscalus*), and Brown-Headed Cowbird (*Molothrus Ater*); and

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

Filed April 15, 1975



SENATE CONCURRENT RESOLUTION NO. 4032  
(Walsh)

## URGING INCREASED SUPPORT PRICE FOR WHEAT

A concurrent resolution urging the Congress to raise the support price of wheat to one hundred percent of parity.

WHEREAS, North Dakota is the most agricultural state in the Nation, producing among other agricultural products wheat, durum, falx, barley, oats, corn, and other products; and

WHEREAS, a large proportion of the new wealth generated within the state each year is a result of agricultural production; and

WHEREAS, in order to implement the expressed policy of the United States Department of Agriculture to increase the production capacity of the available acres of land it is necessary to have adequate foreign and domestic grain markets to absorb the excess production; and

WHEREAS, action is necessary to increase the price of grain paid to the producer, especially the producer of wheat, to ensure the economy and well-being of the whole State of North Dakota including both private and governmental sectors; and

WHEREAS, the drop in the price of wheat, which has exceeded one dollar per bushel in the past thirty days, makes action urgent and necessary to assure grain producers a reasonable degree of stability in this period of high inflationary pressures;

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

That the Forty-fourth Legislative Assembly strongly urges Congress to take immediate action to raise the support price of wheat to one hundred percent of parity, which would amount to \$4.21 per bushel as of December 31, 1974; 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 Department of Agriculture, to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4034  
(Lashkowitz, Schuster, Homuth, Longmire)

## URGING C.A.B. TO APPROVE DENVER FLIGHT

A concurrent resolution urging the United States Civil Aeronautics Board to grant authority for airline service to North Dakota cities not served with a flight to Denver and the southwestern portion of the United States.

WHEREAS, the people of North Dakota place an ever increasing reliance upon airline service for passenger and freight transportation; and

WHEREAS, North Dakota is presently served with a flight to Denver by a twice daily flight from Minot through Bismarck, with none of the State's other major cities having direct access by air to the southwest; and

WHEREAS, several airlines have indicated their willingness to fly to other major cities of North Dakota on a regular basis, and the State of North Dakota wholeheartedly supports this service;

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

That the Forty-fourth Legislative Assembly urges the United States Civil Aeronautics Board to grant the authority for this additional airline service to North Dakota in accordance with the desires and needs of the State of North Dakota; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Civil Aeronautics Board and to each member of the North Dakota Congressional Delegation.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4035  
(Walsh)

## URGING STUDY OF GRAIN ALCOHOL AS FUEL

A concurrent resolution urging the North Dakota State University College of Agriculture, the North Dakota State University Cooperative Extension Service, and the North Dakota State University Experiment Station to conduct research to determine the feasibility of using grain alcohol as a renewable alternative energy source and of using byproducts from the fermentation process as an animal feed.

WHEREAS, the United States is an energy-consuming nation, which annually consumes more energy than it produces; and

WHEREAS, all energy-consuming nations are experiencing an energy crisis because nonrenewable organic energy sources are being depleted and because energy-producing nations have imposed embargoes and export limitations; and

WHEREAS, there is a lack of readily available and renewable energy sources; and

WHEREAS, approximately eighty-five percent of the new wealth entering the North Dakota economy each year is derived, directly or indirectly, from agriculture and agriculture-related industries; and

WHEREAS, North Dakota is one of the leading areas in the world in the production of small cereal grains, including wheat, durum, flax, barley, oats, corn, and other cereal grains; and

WHEREAS, the effects of the worldwide energy crisis are especially evident in North Dakota and other agricultural areas because of the increased cost of energy in the form of petroleum fuels necessary to operate farm equipment and because of the increased cost of fertilizers and pesticides which are derived from petrochemicals; and

WHEREAS, efficient methods of fermenting grain and other agricultural products to assure adequate sources of grain alcohol are being investigated; and

WHEREAS, research indicates that grain alcohol may be blended with gasoline to replace lead additives in gasoline; and

WHEREAS, grain alcohol may be used as a primary fuel for most types of conventional internal combustion engines with a minimum of alterations to such engines; and

WHEREAS, grain alcohol may be used as a primary fuel in many types of experimental engines; and

WHEREAS, the protein residue from the fermentation process may be useful as an animal feed or feed additive; and

WHEREAS, it is in the national interest to stimulate the development of a prosperous rural America through the development of new uses for agricultural products; and

WHEREAS, if it may be determined that grain alcohol could be a practical, renewable energy source to replace nonrenewable oil and coal resources, a new market for North Dakota small grains would evolve, and the energy crisis would be alleviated; and

WHEREAS, if it may be determined that byproducts from a fermentation process utilizing small grains may be used as an animal feed or feed additive, processing plants and feedlots would be encouraged to locate in North Dakota, which would increase employment, as well as available food supplies;

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

That the North Dakota State University Agricultural College and Experiment Station and the North Dakota State University Cooperative Extension Service be urged to conduct research to determine the feasibility of using grain alcohol as an alternative energy source for agricultural and other purposes; and

BE IT FURTHER RESOLVED, that the North Dakota State University Agricultural College and Experiment Station and the North Dakota State University Cooperative Extension Service conduct research to determine the feasibility of using the protein residue of grains used in the fermentation process as an animal feed or an additive to animal feeds; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Dean of the North Dakota State University Agricultural College, the Director of the North Dakota State University Agricultural Experiment Station, and the Director of the North Dakota State University Cooperative Extension Service.

Filed March 27, 1975

SENATE CONCURRENT RESOLUTION NO. 4036  
(Longmire, Walsh, Wenstrom)

## URGING HIGHWAY NO. 2 IMPROVEMENTS

A concurrent resolution urging the Highway Commissioner to concentrate efforts toward needed improvements on U.S. Highway No. 2 across the State of North Dakota as quickly as available financing will permit.

WHEREAS, U.S. Highway No. 2 serves the heart of the grain-producing areas of North Dakota and is the major highway for the shipment of grain to the eastern markets such as Duluth, Minnesota; and

WHEREAS, U.S. Highway No. 2 connects the two major military bases at Grand Forks and Minot, North Dakota; and

WHEREAS, U.S. Highways have a substantially higher traffic accident rate than do interstate highways; and

WHEREAS, U.S. Highway No. 2 needs to be converted into a four-lane highway meeting expressway standards to further the movement of commerce and people within the State of North Dakota, as well as to reduce traffic accidents;

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

That the Forty-fourth Legislative Assembly urges the Highway Commissioner to concentrate efforts toward needed improvements on U.S. Highway No. 2 across the entire State to bring it up to expressway standards within ten years; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor and to the Highway Commissioner.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4037  
(Mutch, Naaden)

URGING REPEAL OF O.S.H.A.

A concurrent resolution expressing support of a bill in the United States House of Representatives which would repeal the National Occupational Safety and Health Act.

WHEREAS, Representative Symms of Idaho introduced H.R. 11602 on November 27, 1973, in the United States House of Representatives; and

WHEREAS, the bill has been assigned to the Committee on Education and Labor for its consideration since November 27, 1973; and

WHEREAS, the bill by its terms repeals the provisions of the National Occupational Safety and Health Act; and

WHEREAS, this body feels that the National Occupational Safety and Health Act does not effectively ensure the continued health and safety of employees; and

WHEREAS, the implementation of the terms of the National Occupational Safety and Health Act within this State works an undue and unreasonable hardship on employers;

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

That the Forty-fourth Legislative Assembly hereby expresses its wholehearted support of H.R. 11602 if reintroduced at the current session of the Congress and requests that the members of the North Dakota Congressional Delegation support the bill and attempt to have it considered and passed by Congress as early as possible;

BE IT FURTHER RESOLVED, that if H.R. 11602 is not enacted that consideration be given by the Congress to the principle that state safety inspection laws be allowed to preempt the enforcement and operation of the Federal Occupational Safety and Health Act; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each of the members of the North Dakota Congressional Delegation.

Filed March 27, 1975

SENATE CONCURRENT RESOLUTION NO. 4039  
(Longmire, Walsh, Wenstrom)

**URGING CONGRESS NOT TO PERMIT  
WITHHOLDING HIGHWAY FUNDS**

A concurrent resolution urging Congress to refuse to concur in the President's request for permission to withhold highway funds from the State of North Dakota.

WHEREAS, U.S. Highway No. 2 serves the heart of the grain-producing areas of North Dakota and is the major highway for the shipment of grain to the eastern markets such as Duluth, Minnesota; and

WHEREAS, U.S. Highway No. 2 connects the two major military bases at Grand Forks and Minot, North Dakota; and

WHEREAS, U.S. Highways have a substantially higher traffic accident rate than do interstate highways; and

WHEREAS, U.S. Highway No. 2 needs to be converted into a four-lane highway meeting expressway standards to further the movement of commerce and people within the State of North Dakota, as well as to reduce traffic accidents; and

WHEREAS, the United States Office of Management and Budget until recently was withholding some twenty-two million dollars in federal highway funds from North Dakota, which had been authorized by the Congress, and such funds are urgently needed to improve U.S. Highway No. 2;

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

That the Forty-fourth Legislative Assembly commends the President for his recent release of federal highway funds for the benefit of several states, and North Dakota in particular, and urges Congress to refuse to concur in the President's request in the future to withhold federal highway funds from the states; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly urges Congress to include provisions in the forthcoming 1975 Federal Aid Highway Act which permits states to use allocated funds exceeding the cost of completing the Interstate system for use on primary systems; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Director of the Office of Management and Budget, and to the members of the North Dakota Congressional Delegation.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4040  
(Longmire, Larson)

**SOIL CONSERVATION URGED TO ASSIST  
IN DEVILS LAKE BASIN PLANNING**

A concurrent resolution relating to the participation of the Soil Conservation Service in planning relating to the Devils Lake Basin.

WHEREAS, water management within the Devils Lake Basin is uncoordinated and fragmented because basin-wide water utilization cannot be properly managed by individuals or by individual units of government; and

WHEREAS, goals for protection of wildlife habitat have been developed separately from the goals for the preservation and enhancement of the Basin's agricultural productivity, resulting in a conflict between the wildlife and agricultural interests; and

WHEREAS, proper utilization of water resources in the Devils Lake Basin depends upon harmonious management of such water resources for both wildlife and agricultural interests; and

WHEREAS, development of a water management plan, consistent with the goals of wildlife and agricultural interests, requires detailed study and design of potential water management control structures as well as a detailed inventory of the valuable wetlands within the basin area; and

WHEREAS, the Soil Conservation Service can provide expertise and technical assistance essential for a full planning effort within the Devils Lake Basin;

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

That the Forty-fourth Legislative Assembly request the Soil Conservation Service to provide assistance to the State of North Dakota, along with other appropriate local, state, and federal agencies, so that a comprehensive water management plan may be jointly developed for the Devils Lake Basin; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the U.S. Department of Agriculture, the Administrator of the Soil Conservation Service in Washington, D.C., and the State Conservationist of the Soil Conservation Service.

Filed March 24, 1975



SENATE CONCURRENT RESOLUTION NO. 4041  
(Homuth)

AGENCIES URGED TO USE COLLEGES  
FOR RESEARCH

A concurrent resolution urging all state agencies to solicit consulting and research services from North Dakota colleges and universities.

WHEREAS, pending mineral and energy resource development and the direct and peripheral effects of such development will be the subject of extensive research projects during the next few years; and

WHEREAS, the colleges and universities of this State in many instances have the necessary expert personnel and scientific resources to provide consulting and research services necessary to complete or supplement such research projects; and

WHEREAS, the quality of consulting and research services which may be performed in many fields by North Dakota colleges and universities is comparable to or exceeds the quality of similar services provided by out-of-state consulting and research organizations;

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

That the Forty-fourth Legislative Assembly urges all state agencies in need of or requiring the use of consulting and research services to solicit such services from North Dakota colleges and universities whenever possible and feasible; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the head or governing board of each agency of the State of North Dakota.

Filed March 24, 1975

SENATE CONCURRENT RESOLUTION NO. 4042  
(Rait, L. Christensen)

## STUDY OF ALTERNATIVE ENERGY SOURCES

A concurrent resolution directing a study by the Legislative Council of alternative energy sources.

WHEREAS, the Nation is faced with a growing energy shortage which will, in all probability, continue to become more acute; and

WHEREAS, increasing pressure is being placed on the state of North Dakota to mine its natural resource of lignite coal to meet this energy shortage, and such mining and energy conversion facilities alter the land, the social life, the environment, and economic well-being of the State; and

WHEREAS, there are a number of alternative energy sources which may be available to meet the energy shortage, including solar, wind, geothermal, and MHD;

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

That the Legislative Council is authorized and directed to make a study of the state of the art in the development of alternative energy sources across the Nation for the purpose of providing information to the Forty-fifth Legislative Assembly which will be faced with making decisions in the field of energy development in the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Council submit its report and recommendations, together with the legislation required to carry out such recommendations, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4045  
(Nething)

## STUDY OF FINANCING COLLEGE BUILDINGS

A concurrent resolution directing the Legislative Council to conduct a study to determine the need and the best method of financing additional college buildings and other capital improvements on a priority basis.

WHEREAS, enrollments at the institutions of higher education under the control of the Board of Higher Education have stabilized; and

WHEREAS, the Board of Higher Education has expressed the need for additional facilities at the institutions; and

WHEREAS, the impact of reciprocity agreements upon student enrollments is not fully known at this time; and

WHEREAS, building requests received by the Legislative Assembly from the Board of Higher Education do not indicate priorities; and

WHEREAS, some building requests may be based upon programs involving a duplication or overlap of services; and

WHEREAS, no legislatively conducted space utilization studies have been carried on for many years; and

WHEREAS, there may be alternative sources of revenue for financing additional facilities;

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

That the Legislative Council, with such assistance from the Board of Higher Education as it deems necessary, conduct a study to determine what additional buildings and improvements may be needed on the campuses of the state's colleges and universities, the priority of such needs, and the manner in which they should be financed; and

BE IT FURTHER RESOLVED, that the Legislative Council submit its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4048  
(Jones)

## STUDY OF IMPACT OF WILDLIFE REFUGES

A concurrent resolution directing the Legislative Council to study the impact of the management of wildlife refuges and waterfowl production areas by the fish and wildlife service of the Department of the Interior on the agriculture of North Dakota.

WHEREAS, the fish and wildlife service of the Department of the Interior has a fee simple title to two hundred nineteen thousand acres of North Dakota land which is maintained as wildlife refuges; and

WHEREAS, the fish and wildlife service of the Department of the Interior either owns in fee simple title or controls by wetlands easement or by wildlife easement another nine hundred forty thousand three hundred acres of North Dakota land; and

WHEREAS, wetlands are an important part of the breeding grounds for migrating waterfowl and other wildlife, and the lands immediately surrounding wetlands are important for agricultural production in North Dakota; and

WHEREAS, the fish and wildlife service of the Department of the Interior has been acquiring ownership of and easements over legal subdivisions, generally quarter sections, rather than the actual recognized boundaries of the wetlands which prevents, in some cases, the land outside the wetland but within the leased area, from being used to its maximum capacity for agricultural production;

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

That the Legislative Council is hereby authorized and directed to conduct a comprehensive study, with the aid and assistance of the State Department of Agriculture, the Soil Conservation Districts, and the State Water Commission, of the programs and policies of the fish and wildlife service of the Department of the Interior and the compatibility of such programs and policies with agricultural use of surrounding land; and

BE IT FURTHER RESOLVED, that the Legislative Council make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4051  
(Nething, Freed, Longmire, Ringsak, Schuster, Lashkowitz)

## STUDY OF SUPREME COURT SPACE NEEDS

A concurrent resolution directing the Legislative Council to conduct a study of the need for additional space for the State Supreme Court.

WHEREAS, the Supreme Court has been assigned and has assumed additional duties and responsibilities, and the need for office space correspondingly has increased; and

WHEREAS, the Supreme Court Law Library is presently filled to its capacity, and that provisions must be made for appropriate library space in order to provide the necessary library service; and

WHEREAS, the judicial branch of government will be performing new and additional duties, some of which were previously performed by the executive branch of government; and

WHEREAS, the administration of justice requires a continuous effort to improve the system and improve facilities; and

WHEREAS, the judicial branch of government is cognizant of the needs of the other branches of government and is vitally interested in exploring all proposals with the ultimate purpose of resolving them to the best interests of the State; and

WHEREAS, it is deemed advisable that a study of the needs of the Supreme Court be conducted for purposes of determining the amount of space required and the priorities that may be assigned to the various needs;

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

That the Legislative Council be directed to study the feasibility of providing a Supreme Court building which will meet the current needs of the State Supreme Court; and

BE IT FURTHER RESOLVED, that such study shall explore any alternatives or methods of fulfilling the needs of the

Court, including the construction of a new Supreme Court building, the renovation and use of existing public buildings, the construction of an administrative building, or any combination of the foregoing; and

BE IT FURTHER RESOLVED, that such study shall include the exploration of the manner in which any construction or renovation may be financed; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations, together with any legislation necessary to implement such recommendations, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4054  
(L. Christensen)  
(Committee on Delayed Bills)

## URGING GARRISON DIVERSION FUNDING

A concurrent resolution urging the Congress of the United States to expand the funding of the Garrison Diversion Project so that the project can achieve its objectives on a more orderly basis.

WHEREAS, the progress of the Garrison Diversion Unit of the Missouri River Basin Project has been marred by misunderstandings between the Bureau of Reclamation and landowners whose property has been taken for project purposes; and

WHEREAS, the Bureau of Reclamation has taken steps to effect substantial improvement in the land acquisition program of the project and is being urged to continue its efforts to improve its relationships with the landowners of the adjoining property; and

WHEREAS, an orderly land acquisition program and an orderly construction program are necessary to provide harmonious relationships which will contribute to the timely and successful completion of the project; and

WHEREAS, the proper method to ensure an orderly land development program and an orderly construction program is to fund the project at a level to assure that land needed can be purchased in the year prior to the year in which construction will take place, thereby giving one year's notice of the intent to take specific tracts of land for project purposes;

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

That the Congress of the United States is hereby urged and requested to fund the Garrison Diversion Unit of the Missouri River Basin Project at a level which will be adequate to provide for sustained and orderly land acquisition and construction programs until the project is completed; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the Secretary of the Department of the Interior, and the Bureau of Reclamation.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4055  
(Melland, Nething)

## STUDY OF STATE LAND USE POLICIES

A concurrent resolution directing the Legislative Council to study the current and projected land use policies of North Dakota Institutions. This study shall consider the investment in all land and facilities, including those located adjacent to urban areas, so as to establish priorities for best use of state land.

WHEREAS, it is in the best interests of the citizens of North Dakota to put state-owned lands and facilities to most economic and appropriate use; and

WHEREAS, certain tracts of such land may have the potential for higher public or private uses than its current use; and

WHEREAS, certain North Dakota lands utilized by institutions are located in expanding population areas; and

WHEREAS, consideration should be given to possible disposal and/or relocation of such lands to achieve best land use;

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

That the institutions or departments utilizing or managing land in the execution of their mission be directed to report current and projected use of land tracts under their direction; and

BE IT FURTHER RESOLVED, that the Legislative Council is hereby authorized and directed to conduct a study to determine the validity of holding lands in expanding urban areas; examine the setting of priorities for the use of state land; develop a plan for the disposal or relocation of such land and attendant facilities; and study whether state lands should be sold by negotiation or by bid; and shall make its report and recommendations, accompanied by any necessary legislation, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975



SENATE CONCURRENT RESOLUTION NO. 4058  
(Nothing)

## STUDY OF TRANSMISSION LINE TAXATION

A concurrent resolution directing a study by the Legislative Council of the taxation of power transmission lines.

WHEREAS, electric power generation and the construction of power transmission lines continue to increase in the State of North Dakota; and

WHEREAS, present statutes provide for a tax of one hundred fifty dollars per mile for transmission lines of certain electrical generating plants and for the taxation of other transmission lines based upon the valuation of such lines; and

WHEREAS, the supporting structures for such transmission lines are located on land for which the landowners have granted easements; and

WHEREAS, transmission lines frequently present problems for landowners and sometimes result in reduced utility of the land because of difficulties in irrigating or operating large machinery on such land; and

WHEREAS, there is a need to study the taxation of transmission lines to consider alternative methods of taxing such lines and to determine whether legislation should be proposed to provide a means for compensation or tax relief for landowners whose property has been detrimentally affected by transmission lines;

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

That the Legislative Council is hereby directed to conduct a study of the taxation of power transmission lines; including consideration of alternative methods of taxing such structures and the possibility of providing some means of providing compensation or tax relief for landowners whose property has been affected by transmission lines; and

BE IT FURTHER RESOLVED, that the Legislative Council make its report and recommendations to the Forty-fifth Legislative Assembly, together with any legislation required to carry out such recommendations.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4059  
(Homuth, S. Fritzell, A. Gronhovd)

## STUDY OF TRAILER HOMES

A concurrent resolution directing the Legislative Council to study the laws and practices relating to the buying, selling, renting, leasing, and servicing of trailer homes and trailer parks in North Dakota.

WHEREAS, an ever-increasing number of persons living within North Dakota are purchasing and living in trailer homes; and

WHEREAS, the only practical place for most trailer home owners to place their trailer homes and inhabit them is in individual lots in trailer parks which are owned by other private individuals and operated as a business; and

WHEREAS, inhabitants of trailer homes have problems which are peculiar to themselves, and are subject to practices and potential abuses of trailer home distributors and trailer park operators which should be scrutinized to determine whether legislative action is necessary and proper;

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

That the Legislative Council is hereby authorized and directed to conduct an interim study of the laws relating to the buying, selling, renting, leasing, and servicing of trailer homes and trailer parks, and to study the practices of trailer home distributors and trailer park operators to determine the necessity of additional legislation; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations to the Forty-fifth Legislative Assembly, together with such legislation as may be necessary to carry out its recommendations.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4063  
(Goodman, Hoffner, Longmire)"

## STUDY OF LABOR LAWS

A concurrent resolution directing the Legislative Council to study the organizational and negotiation rights of public employees, and to reexamine Title 34 of the North Dakota Century Code, relating to labor managements relationships.

WHEREAS, Title 34 of the North Dakota Century Code has not had a complete study and revision for over a decade; and

WHEREAS, Title 34 of the North Dakota Century Code does not provide for the rights and obligations of public employees to elect exclusive representatives to bargain for wages, hours, and other conditions of employment; and

WHEREAS, there has been a widespread movement in many states of the United States to enact laws establishing standard procedures for the selection of exclusive bargaining representatives and regulating the field of negotiations by public employees without disruption of necessary public services; and

WHEREAS, the anticipated development of coal gasification and related industries in North Dakota may pose problems not considered at the time of the adoption of Title 34 of the North Dakota Century Code; and

WHEREAS, Title 34 of the North Dakota Century Code might be inadequate to permit proper solutions to labor problems of public employees and labor problems generating from the development of coal gasification and other related industries in North Dakota;

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

That the Legislative Council is hereby directed to conduct a complete substantive and formal study and revision of Title 34 of the North Dakota Century Code, giving particular emphasis to the study of public employees' rights, duties, and obligations in the selection of exclusive representatives and the negotiations for wages, hours, and other conditions of employment and to reexamine Title 34 of the North Dakota Century Code in light of the problems of public employees and expected industrial development in North Dakota. The Council shall report its findings and recommendations, accompanied by any necessary legislation, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4066  
(Nething, Pyle, Hoffner, Barth)

## COMMENDING LEGISLATIVE INTERNS

A concurrent resolution recognizing the value of the Legislative Internship Program and commending its participants.

WHEREAS, the Legislative Intern program has been functioning as an integral part of the legislative process in the State of North Dakota since its inception during the Forty-first Legislative Assembly; and

WHEREAS, the Forty-fourth Legislative Assembly continues to participate in this academic program whereby fourteen outstanding undergraduate, graduate, and law students enrolled at the University of North Dakota and North Dakota State University are selected by their parent institution to serve the majority and minority caucuses, the standing committees of the Senate and House of Representatives, and the Legislative Assembly in the capacity of Legislative Interns; and

WHEREAS, during the course of the session, the Legislative Assembly has recognized the academic value of the Legislative Internship Program and the opportunity it affords to these undergraduate, graduate, and law students to observe the legislative process, as well as the opportunity for the majority and minority caucuses, the standing committees of the Senate and House of Representatives and the Legislative Assembly to avail themselves of the energy, talents, enthusiasm, and ability of the Legislative Interns; and

WHEREAS, the Forty-fourth Legislative Assembly is cognizant of the meritorious contribution and abilities of the Legislative Interns and the way in which they have conducted themselves, especially their courteous and respectful manner and ability to refrain from entering into the policymaking role in their association with the majority and minority caucuses and the standing committees of the Legislative Assembly;

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

That the services performed by Barbara Gletne, Paulette

Hansen, James Haskins, Mark Johnson, Thomas Kuchera, Duane Lillehaug, Alice Olson, Kim Pennington, Mary Price, Arly Richau, Douglas Stine, Robert Udland, Gary Wiebe, and Keith Wolberg as Legislative Interns for the Forty-fourth Legislative Assembly are hereby recognized, and that they be commended for the outstanding diligence, ability, talent, enthusiasm, and courteousness that they have exhibited throughout all their association with the Legislative Assembly; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the president of the University of North Dakota, the dean of the School of Law of the University of North Dakota, the chairman of the Department of Political Science at the University of North Dakota, the president of North Dakota State University, and to each of the fourteen Legislative Interns.

Filed March 11, 1975

SENATE CONCURRENT RESOLUTION NO. 4067  
(Goodman, Nething, L. Christensen, Hoffner)

## STUDY OF CRIMINAL PROSECUTION

A concurrent resolution directing the Legislative Council to study the present criminal prosecutorial system and any feasible alternatives thereto to include a statewide system providing for full-time criminal prosecution.

WHEREAS, after January 1, 1975, approximately 248,000 citizens of the state of North Dakota residing in the four largest counties will be provided with full-time prosecutors and 19 states have full-time systems; and

WHEREAS, the prosecutor is the key to the criminal justice system and is the only member of the system which has direct contact with all of the following:

- a. The victim or complainant or both
- b. Witnesses
- c. Law enforcement officers
- d. The defendant
- e. Defense counsel
- f. The courts
- g. Corrections institutions and personnel
- h. The public

WHEREAS, there is an apparent need for a balance between independence and responsiveness in any criminal prosecutorial system so that the area served by the prosecutor is large enough to support adequate, full-time service, yet small enough for the prosecutor to remain in touch with local citizens and their needs; and

WHEREAS, the complexities and demands of the prosecution function require the prosecutor to be a full-time skilled lawyer due to the United States Supreme Court decisions in the 1960's which changed the criminal law more in the past 14 years than in the entire 185 years prior history of this country; and

WHEREAS, local prosecutorial services may best serve the public by being sufficiently large to support full-time prosecution with adequate staff; and

WHEREAS, the established district court system includes several counties in each district and the prosecutor is an officer of such courts, a prosecution system organized the same or in a similar manner follows established and accepted precedent; and

WHEREAS, fragmentation of the prosecution function tends to reduce the effectiveness of the crime prevention and control efforts in the state and its subdivisions and tends to hinder the consistent application of criminal law enforcement throughout the state; and

WHEREAS, with the enactment of a new criminal code and revised rules of criminal evidence and procedure, the means for more effective prosecution are presently available, but needs:

- a. Leadership
- b. Policy making
- c. Supervision
- d. Assistance and consultation
- e. Training and maintenance of communication among the 53 various local prosecutors; and

WHEREAS, the present prosecutorial system establishes an inherent conflict of interest between the part-time prosecutor and potential private-practice cases; and

WHEREAS, part-time prosecutors can defend clients charged in criminal actions outside his jurisdiction and can be involved in both a criminal matter and civil action involving a husband and wife; and

WHEREAS, in 1974, 22 of the 53 state's attorneys were elected in North Dakota for the first time and only 12 of the 53 elections were contested; and

WHEREAS, numerous federal, as well as state, organizations and civic groups have recommended some source of full-time prosecution which include:

- a. The National District Attorneys Association
- b. The National Commission on Criminal Justice Standards and Goals
- c. The American Bar Association Project on Standards for Criminal Justice

- d. The National Association of Attorneys General Committee
- e. The Law Enforcement Assistance Administration
- f. United States Advisory Commission on Intergovernmental Relations
- g. The North Dakota Judicial Council
- h. The North Dakota Criminal Justice Commission
- i. The North Dakota Law Enforcement Council; and

WHEREAS, there is general agreement that the crime rate is substantially increasing--particularly in the rural areas, yet the rural areas will be the only areas where part-time prosecution will remain after January 1, 1975; and

WHEREAS, 1973 Crime Bureau statistics indicated, with seven counties not reporting, over 19,500 crimes reported which resulted in approximately 8,000 arrests with only 1,077 felonies filed;

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

That the Legislative Council is hereby directed to study the present state's attorney prosecutorial system. This study shall include the study of the feasibility of establishing a full-time district attorney-state's attorney system, strengthening and improvement of the present system and any other alternative systems which might feasibly provide skilled full-time prosecution to the citizens of this state.

The Council shall seek federal funds to aid in defraying the cost of this study, and so much of the appropriation to the Legislative Council as may be necessary may be used as matching funding for the study. The Legislative Council shall prepare necessary legislation, if any, and shall make its report and submit the accompanying legislation to the Forty-fifth Legislative Assembly.

Filed April 15, 1975



SENATE CONCURRENT RESOLUTION NO. 4069  
(J. Schultz, Melland, Hoffner)

## STUDY OF STATE EMPLOYEE COMPENSATION

A concurrent resolution directing the Legislative Council to conduct a study of the compensation and fringe benefits currently made available to state employees.

WHEREAS, there has been considerable turnover and out-migration of state employees; and

WHEREAS, this turnover and out-migration is costly in terms of training costs, lower levels of performance and service, and less efficient governmental service; and

WHEREAS, present state fringe benefits are believed to be considerably lower than present fringe benefits given employees in the private sector; and

WHEREAS, fringe benefits in the private sector, including some fringe benefits not available to state employees, are paid for through charges for goods and services, and state employees pay those charges in the same manner as other citizens; and

WHEREAS, changes in fringe benefits and compensation available to state employees will make employment with this State more attractive to persons who might otherwise seek employment with other states or with the private sector;

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

That the Legislative Council is authorized and directed to conduct a study of the compensation and fringe benefits currently made available to state employees to determine if any changes or adjustments therein are necessary or desirable; and

BE IT FURTHER RESOLVED, that in conducting such study the Council shall consult with the State Central Personnel Division of the Department of Accounts and Purchases and with the State Public Employees' Retirement Board; and

BE IT FURTHER RESOLVED, that all state agencies, departments, boards, and commissions shall furnish the Legislative Council with such information as the Council may, in carrying out the provisions of this resolution, reasonably require, and that the Council shall make its report and recommendations, together with any legislation necessary to implement such recommendations, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4072  
(Thane, Jones)  
(Committee on Delayed Bills)

COMMENDING CANADIANS FOR COOPERATION  
CONCERNING GARRISON DIVERSION

A concurrent resolution commending Manitoba Premier Ed Schreyer and his New Democratic Party for courageously turning back a proposal to finance court action against Garrison Diversion and pledging continued cooperation with our good neighbors in Manitoba and Canada.

WHEREAS, a vast majority of North Dakotans have viewed the Garrison Diversion project as a key to our future as a farm state; and

WHEREAS, North Dakotans have stood by in unbelief and dismay over the wide circulation given to an alleged decline in the friendliness of Canadian-American relations over Garrison Diversion and other matters, which alleged decline in friendliness has never been felt in North Dakota; and

WHEREAS, Manitoba Premier Ed Schreyer has stated he refuses to be drawn into any anti-Americanism and has termed Americans as "good neighbors", and, in respect to the Garrison Diversion project in particular, "as gentlemen and good neighbors"; and

WHEREAS, Premier Schreyer and his New Democratic Party have reassured all North Dakotans of the solidarity of Canadian-American relations by courageously turning back a proposal to finance court action by environmental groups against the Garrison Diversion project in North Dakota; and

WHEREAS, by their action, Premier Schreyer and his New Democratic Party have made North Dakotans evermore aware of the top priority that must be given to joining together to assure that Garrison Diversion unfolds to the benefit of our good neighbors in Manitoba and Canada as well as to North Dakota;

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

That the Forty-fourth Legislative Assembly commends Manitoba Premier Ed Schreyer and his New Democratic Party for their courageous and sound position on the Garrison Diversion project which has earned

them the lasting gratitude of their neighbors to the south; and

BE IT FURTHER RESOLVED, that North Dakota pledges its continued cooperation, support, and vigilance with regard to the needs of Manitoba and in assuring that Garrison Diversion works to the benefit of all concerned; and

BE IT FURTHER RESOLVED, that two enrolled copies of this resolution be forwarded by the Secretary of State to Manitoba Premier Ed Schreyer.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4073  
(Thane)  
(Committee on Delayed Bills)

COMMENDING INTERVENTION IN  
GAS PIPELINE CASE

A concurrent resolution supporting the action of Congressman Mark Andrews and Congressman John Melcher in intervening before the Federal Power Commission proceedings, now known as El Paso Alaska Company, Commission Dockets Numbers 75-96, et. al.

WHEREAS, the Federal Power Commission currently has before it applications of Alaskan Arctic Gas Pipeline Company, Northern Border Pipeline Company, and El Paso Alaska Company requesting certificates of public convenience and necessity authorizing the construction and operation of natural gas pipelines from the Prudhoe Bay Area in the State of Alaska to various areas of the United States; and

WHEREAS, if the Alaskan Arctic and Northern Border applications are approved by the Federal Power Commission, the proposed pipelines would cross portions of eastern Montana and western North Dakota and would have environmental impacts on both states; and

WHEREAS, the proposed Alaskan Arctic and Northern Border applications contain no provision for a portion of the natural gas so transported to be allocated to either Montana or North Dakota consumers; and

WHEREAS, Congressman Mark Andrews and Congressman John Melcher have petitioned the Federal Power Commission for leave to intervene in these proceedings before the Federal Power Commission for the purpose of protecting the interests of the citizens of the States of North Dakota and Montana;

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

That the Forty-fourth Legislative Assembly supports the actions of Congressman Mark Andrews and Congressman John Melcher in intervening before the Federal Power Commission for the purpose of protecting the interests of the citizens of both states in the routing, distribution, and allocation of the important

natural gas supply involved; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly urges the Attorney General of the State of North Dakota, as chief legal officer of the State, to provide the necessary legal assistance on behalf of the citizens of the state of North Dakota in this Federal Power Commission proceeding, and further, that the Attorney General of the State of North Dakota urge his counterpart in the State of Montana to do likewise for the benefit of the citizens of the State of Montana; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to Congressman Mark Andrews, Congressman John Melcher, the Federal Power Commission, and the Attorney General of the State of North Dakota.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4074  
(Thane)  
(Committee on Delayed Bills)

## COMMENDING U.N.D.'S BASKETBALL TEAM

A concurrent resolution congratulating the UND Basketball Team on winning the North Central Conference Championship and the National Collegiate Athletic Association regional championship.

WHEREAS, the University of North Dakota Sioux basketball team recently won the North Central Conference basketball championship for the second year in a row; and

WHEREAS, the Sioux were also victorious in the National Collegiate Athletic Association Division II North Central Region basketball playoffs this past weekend; and

WHEREAS, the Fighting Sioux now advance to the National Collegiate Athletic Association Division II national tournament at Evansville, Indiana, on March 12; and

WHEREAS, this marks the first time that a North Dakota team has advanced to the national basketball tournament since UND won fourth place in the national finals in 1966;

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

That the Forty-fourth Legislative Assembly takes great pride and pleasure in congratulating the Fighting Sioux of the University of North Dakota on their conference and regional basketball victories; and

BE IT FURTHER RESOLVED, that the Forty-fourth Legislative Assembly extends its best wishes to the University of North Dakota basketball team for victory in the national tournament; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the UND Athletic Department.

Filed March 27, 1975

SENATE CONCURRENT RESOLUTION NO. 4075  
(Thane)  
(Committee on Delayed Bills)

## URGING CENSUS CHANGES

A concurrent resolution urging Congress to consider and approve legislation relating to the procedures to be utilized by the Bureau of the Census for the 1980 census.

WHEREAS, state legislative apportionment must be undertaken in conformity with the constitutionally required one-man, one-vote standard; and

WHEREAS, in conducting legislative reapportionment, states must rely on the population data prepared by the Bureau of the Census for each decennial period; and

WHEREAS, while previous standards of accuracy, timing, and geographic design were adequate for the governmental and commercial purposes of the census, such standards are not presently adequate to meet demands which have surfaced from the legislative reapportionment activities of states following the 1970 census; and

WHEREAS, census enumeration districts utilized by the Bureau of the Census for the 1970 census do not follow minor civil division boundaries; and

WHEREAS, the 1970 census was taken on a block basis only in cities of over fifty thousand in population, which does not provide smaller cities with accurate data for equitable division into legislative districts; and

WHEREAS, officials charged with the responsibility of legislative apportionment presently face difficulty in obtaining information needed to perform these duties;

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

That the Forty-fourth Legislative Assembly strongly urges the United States Congress to consider and approve legislation which would require the Bureau of the Census to establish procedures in the taking of the 1980 census which would increase the amount of time available to the bureau for completion of tabulations within

the time requirements of states with deadlines for redrawing legislative boundaries, to require the boundaries of census units to follow minor civil division boundaries, to require block statistics for all urban areas with a population of ten thousand or more, and to encourage the bureau to cooperate with all state officials who have legislative reapportionment responsibilities; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation, to the Chairman of the Subcommittee on Census and Statistics of the U.S. House Committee on Post Office and Civil Service, and to the Director of the Bureau of the Census.

Filed April 15, 1975



SENATE CONCURRENT RESOLUTION NO. 4076  
(Committee on Delayed Bills)  
(Thane)

## BANK OF NORTH DAKOTA STUDY

A concurrent resolution directing the Legislative Council to carry out a comprehensive study of the administration, operation, and investment policies of the Bank of North Dakota.

WHEREAS, events at the Bank of North Dakota prompted the creation of a Select Senate Committee to review the administration, operation, and investment policies of the Bank; and

WHEREAS, testimony before the Select Senate Committee indicated that there is a need for a continuing review of the administration, operation, and investment policies of the Bank; and

WHEREAS, one of the recommendations of the Select Senate Committee is a continuing study and review of the administration, operation, and investment policies of the Bank and a follow-through of the implementation of the recommendations made by the Select Committee;

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

That the Legislative Council is hereby directed to carry out a comprehensive study of the administration, operation, and investment policies of the Bank of North Dakota. The study shall include a review of the report of the Select Senate Committee and a review of the implementation of the recommendations by the Industrial Commission and the Bank of North Dakota. The Council may call on such persons to assist it in carrying out this study as it deems necessary;

BE IT FURTHER RESOLVED, that the Legislative Council shall report its findings and recommendations, along with any necessary legislation, to the Forty-fifth Legislative Assembly.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4077  
(Committee on Delayed Bills by Committee on Employment)

## RETENTION OF LEGISLATIVE EMPLOYEES

A concurrent resolution authorizing the retention of certain employees of the Senate and House, providing methods for accounting for their time, and providing supervisory authority, to allow for completion of legislative work after the close of the Session.

WHEREAS, it is necessary to complete and close all legislative work; and

WHEREAS, in order to complete and close all current legislative work of the Forty-fourth Legislative Assembly, it is necessary to retain certain employees; and

WHEREAS, certain employees have worked hours in addition to those hours, including overtime hours, asked of other employees;

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

That the following named persons may be retained by the Senate and the House of Representatives after the close of the Session:

### Senate Employees

Leo Leidholm, Secretary of the Senate  
Albert Bradley, Sergeant-at-Arms  
Doris McMahon, Desk Reporter  
Mary Alice Simonson, Chief Steno and Payroll  
Arthur Herk, Assistant Secretary of the Senate  
J. Vernon Asheim, Bill Clerk  
Peggy Ormseth, Chief Committee Clerk  
Gladys Derrick, Appropriations Committee Clerk  
Wanda Froelich, Chief Page  
Olger Sandven, Deputy Sergeant-at-Arms  
Janna Tjaden, Enrolling and Engrossing Clerk  
Ruth Moyer, Assistant Enrolling and Engrossing Clerk  
Patricia Martin, Journal Proofreader  
Kari Lee, Assistant Appropriations Committee Clerk  
Mona Ziegler, Secretary to the Minority Leader

## House Employees

Roy Gilbreath, Chief Clerk  
Delano Wawers, Assistant Chief Clerk  
Barbara King, Desk Reporter  
Clara Wendt, Bill Clerk  
Tillie Johanneson, Chief Steno and Payroll Clerk  
James Sette, Calendar Clerk  
Cecil Crandell, Sergeant-at-Arms  
Jack Whereatt, Deputy Sergeant-at-Arms  
Louise Ebert, Chief Committee Clerk  
LuGale Backlin, Appropriations Committee Clerk  
Alvin Manning, Chief Journal and Bill Room Clerk  
Enola Eck, Bill and Journal Room Clerk  
Ron Otto, Enrolling and Engrossing Clerk  
Thomas Neill, Assistant Enrolling and Engrossing Clerk  
Marion Hadzor, Journal Proofreader  
Willa Carlson, Proofreader

BE IT FURTHER RESOLVED, that the above-listed Senate employees shall serve at the request of, and under the supervision of, the Secretary of the Senate, and that all of the listed employees, including the Secretary of the Senate, shall be employed for not more than 106 man-days in the aggregate. The Secretary of the Senate shall assign the work among the available employees in the appropriate manner within the man-day limit herein established, but shall minimize the days allocated to the extent consistent with the completion of legislative work;

BE IT FURTHER RESOLVED, that the above-listed House employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House, and that all of the listed employees, including the Chief Clerk of the House, shall be employed for not more than 106 man-days in the aggregate. The Chief Clerk of the House shall assign the work among the available employees in the appropriate manner within the man-day limit herein established, but shall minimize the days allocated to the extent consistent with the completion of legislative work;

BE IT FURTHER RESOLVED, that the following named personnel be paid for two additional days' service during the Forty-fourth Legislative Assembly: Leo Leidholm, Albert Bradley, Doris McMahon, Mary Alice Simonson, Arthur Herk, J. Vernon Asheim, Peggy Ormseth, Gladys Derrick, Wanda Froelich, Peggy Stenehjem, and Olger Sandven; and that the following named personnel be paid for one additional day's service during the Forty-fourth Legislative Assembly: Roy Gilbreath, Delano Wawers, Barbara King, Clara Wendt, Tillie Johanneson, James Sette, Cecil Crandell, Jack Whereatt, Louise Ebert, LuGale Backlin, Alvin Manning, and Adeline Lee. Payment for such additional day's service is to be made at the rate provided for each of said employees in Senate Concurrent Resolution No. 4017;

BE IT FURTHER RESOLVED, that all employees retained after the close of the Session pursuant to this resolution, including

the Secretary and the Chief Clerk, shall record on time clocks provided for such purpose, on a daily basis, the hours worked on each day following the close of the Session during which they performed services, and such records shall be filed with the Legislative Council office. At the time when the need for each employee's services is ended, that employee shall deliver an affidavit to the Legislative Council staff offices indicating the days and hours that the employee was engaged in work following the close of the Session;

BE IT FURTHER RESOLVED, that the above-named employees be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4017, and all of the above expenses are to be paid out of the appropriation to the Forty-fourth and Forty-fifth Legislative Assemblies and paid when the respective claims are verified by the affidavits and time clock records of said parties named herein at the completion of said work, provided that payment shall not be authorized for more than 106 man-days in the aggregate in each house..

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4078  
(Hoffner, Nething)  
(Committee on Delayed Bills)

## URGING EXECUTIVE BRANCH STUDY

A concurrent resolution requesting and urging the elected state officials, or their designees, acting as a commission, to review the structure and operations of the executive branch, and to report their findings to the Forty-fifth Legislative Assembly.

WHEREAS, the Legislative Assembly believes that a thorough and comprehensive study of governmental reorganization in the executive branch could result in recommendations for structural change, and for changes in method of operation; and

WHEREAS, such studies have been made by the legislative branch with respect to numerous functional groupings of executive agencies, but have not resulted in favorable legislative action in recent years; and

WHEREAS, elected executive branch officials have a greater understanding of the intricacies of their agencies' operations, and of the areas of potential duplication of effort, than do most other persons not directly involved in the executive branch of state government; and

WHEREAS, it is believed that a good, coordinated, liaison group could take significant steps towards elimination of duplication of effort and towards greater efficiency; and

WHEREAS, the Legislative Assembly would be greatly benefited by receipt of the results of a concentrated study of the structure and operations of the executive branch made by executive branch officials;

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

That the fourteen elected officials in the executive branch of government, or their designees, are requested and urged to resolve themselves into a commission for the purpose of carrying out a concentrated, intensive study of the structure and operations of the entire executive branch of government, with a view towards making that branch more economical, efficient, and responsive.

The executive branch commission, if formed, is requested to report its findings and recommendations, accompanied by any legislation necessary to implement those recommendations, to the Forty-fifth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Governor is requested to call the first meeting of the commission, should one be created in response to this resolution, and to chair that meeting until such time as a permanent chairman be selected by the commission; and

BE IT FURTHER RESOLVED, that enrolled copies of this resolution be delivered to the Governor, the Lieutenant Governor, the Attorney General, the Auditor, the Commissioner of Agriculture, the Commissioner of Insurance, the Commissioner of Labor, the Public Service Commissioners, the Secretary of State, the Superintendent of Public Instruction, the Treasurer, and the Tax Commissioner.

Filed April 15, 1975

SENATE CONCURRENT RESOLUTION NO. 4079  
(Thane)  
(Committee on Delayed Bills)

## BEEF IMPORT LIMITS URGED

A concurrent resolution urging the President of the United States to exercise his authority pursuant to 7 U.S.C. 1854 to limit the import into the United States of fresh, chilled, or frozen beef.

WHEREAS, the United States is one of the world's largest beef producers, producing beef of a superior quality at a reasonable cost to American consumers; and

WHEREAS, in order to continue to produce the quality and quantity of beef which this country has come to expect, it is becoming increasingly necessary for this country to protect itself from an overabundance of low-quality beef imported from other beef producing nations; and

WHEREAS, in the last few months, the beef industry in the United States has suffered from spiraling costs related to beef production and from a decrease in the sales price for live cattle causing many beef producers to leave the beef industry; and

WHEREAS, in order for this Nation to maintain a healthy beef industry capable of producing an adequate supply of beef of the quality that has come to be expected, drastic measures must be taken which may not be popular with foreign beef producing nations desiring to market their beef in this Nation;

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

That the President of the United States exercise his authority pursuant to 7 U.S.C. 1854 to effect a decrease in the amount of foreign beef which will be permitted to be imported into and distributed within this country in competition with domestic beef production; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Agriculture, the United States Secretary of State, the Special Representative for Trade Negotiations, the Commissioner of Customs, and to each member of the North Dakota Congressional delegation.

Filed April 15, 1975