

# SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION NO. 4001  
(Legislative Council)  
(Interim Committee on Budget "B")

## EXECUTIVE BRANCH REORGANIZATION STUDY

A concurrent resolution directing a Legislative Council study of the feasibility and benefits of reorganizing the executive branch of state government.

WHEREAS, there has not been an overall study of executive branch organization of North Dakota state government since the 1942 governmental survey commission study; and

WHEREAS, there have been changes in the economic and social conditions of the state which have affected the services and functions of state agencies and institutions; and

WHEREAS, government services, functions, and responsibilities have grown, resulting in additional independent agencies, boards, and commissions; and

WHEREAS, the state is receiving significantly increasing amounts of federal funds which affect the organizational structure of agencies and the services provided; and

WHEREAS, the organization of state government should encourage economical and efficient methods of providing services; and

WHEREAS, there may be similar programs offered by state agencies where services could be better coordinated;

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 a study of the feasibility and benefits of reorganizing the executive branch of state government. The Council shall evaluate the effectiveness of the present structure of the executive branch and review existing or potential deficiencies or excesses in state government services related to the present organizational structure. The Council shall review governmental structures in other states of similar size, and with similar economic and social characteristics as North Dakota to determine the results and

benefits of recent reorganization efforts in such states. The Council may invite officials from other states which have experienced government reorganization to present their views and observations. Also, the Council shall compare modern governmental management models to the present structure of North Dakota state government and review statutory changes necessary to organize the executive branch of North Dakota state government in accordance with such models and determine the benefits that would be achieved from such organizations. To assist in its study of modern governmental management models and techniques, the Council may procure the services of a management services firm having expertise in the area of government organizational structure. The Council shall extend an invitation to the governor and other elected and appointed officials in the executive branch of government to comment and make recommendations about desired organizational changes. In addition the Council shall consider citizen views of more efficient organization of the executive branch of state government and shall make arrangements for citizens knowledgeable in economics, business, management, law, and other occupations to be involved in the study; and

BE IT FURTHER RESOLVED, that all state agencies and institutions shall provide such aid and assistance as the Legislative Council may request in conducting this study; and

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

Filed March 7, 1979

## SENATE CONCURRENT RESOLUTION NO. 4005

(Legislative Council)

(At the request of the Garrison Diversion Overview Committee)

**GARRISON DIVERSION LEGISLATIVE OVERVIEW  
COMMITTEE**

A concurrent resolution to recreate a special Garrison Diversion Legislative Overview Committee to review matters concerning Garrison diversion through the upcoming interim and the next legislative session and to represent legislative interests in the Garrison Diversion Project.

WHEREAS, the Garrison Diversion Project will continue to be of great importance to North Dakota; and

WHEREAS, there will continue to be a great deal of activity concerning the Garrison Diversion Project during the next interim; and

WHEREAS, there will be a need for North Dakota legislators to meet with legislators and other officials from neighboring states and Canada; and

WHEREAS, legislative contact with various federal officials will continue to be necessary during the upcoming interim;

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

That the special Garrison Diversion Legislative Overview Committee be immediately recreated to consist of the floor leaders and their assistants from the House and Senate of the Forty-sixth Legislative Assembly; that the committee meet at the call of the Legislative Council Chairman and elect a chairman, and that the committee be charged with the responsibility of legislative overview of the Garrison Diversion Project through April 30, 1981.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the North Dakota Congressional Delegation, Secretary of Interior Cecil Andrus, Bureau of Reclamation Project Director Darrell Krull in Bismarck, Governor Arthur A. Link, State Water Commission, Garrison Diversion Conservancy District, and Attorney General Allen I. Olson.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4010  
(Strinden, Naaden, Tallackson)

## NONMANDATORY METRIC CONVERSION URGED

A concurrent resolution urging the United States Congress not to pass any legislation mandating conversion to the metric system in the United States.

WHEREAS, the Metric Conversion Act of 1975 makes it the policy of the United States to coordinate and plan the increasing use of the metric system in the United States; and

WHEREAS, the Act established a United States Metric Board to coordinate the voluntary conversion to the metric system, but gives the board no compulsory powers to enforce conversion to the metric system; and

WHEREAS, Congress has given the Metric Board the power to recommend legislation or executive action needed to implement the programs of conversion; and

WHEREAS, opposition has grown throughout the United States to the implementation of the metric system because it is believed the metric system is not needed;

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

That the Forty-sixth Legislative Assembly urges the United States Congress not to pass any legislation mandating conversion to the metric system in the United States; 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 President of the United States Senate; the Speaker of the United States House of Representatives; the Chairman of the Senate Commerce, Science, and Transportation Committee; the Chairman of the House Science and Technology Committee; and each member of the North Dakota Congressional Delegation.

Filed March 21, 1979

SENATE CONCURRENT RESOLUTION NO. 4012  
(Committee on Natural Resources)  
(At the request of the Water Commission)

## WATER POLLUTION CONTROL ACT STUDY

A concurrent resolution directing the Legislative Council to study and review possible implementation of Section 404 of the Federal Water Pollution Control Act by the State of North Dakota through its State Water Commission as provided in the Clean Water Act of 1977.

WHEREAS, Section 404 of the Federal Water Pollution Control Act Amendments of 1972 [Pub. L. 92-500] requires that a permit be secured from the Corps of Engineers prior to the discharge of any dredged or fill material into the navigable waters; and

WHEREAS, the Clean Water Act of 1977 [Pub. L. 95-217] provides that the governor of any state desiring to administer its own individual and general permit programs for the discharge of dredged or fill material into the navigable waters may submit a proposed state program to the Environmental Protection Agency; and

WHEREAS, if the administrator of the EPA determines that sufficient authority exists for the state to administer and enforce the proposed state Section 404 program, then the proposed state program shall be approved; and

WHEREAS, it is the express policy of the Legislative Assembly that state and local governments are more responsive to the needs of the people, and that wherever possible state and local governments should exercise jurisdiction which would otherwise be exercised by the federal government; and

WHEREAS, existing statutory authority may not be sufficient for the State of North Dakota through its State Water Commission to administer and enforce a Section 404 program;

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 on the development of a state program to

administer and enforce Section 404 of the Clean Water Act, through its State Water Commission; and

BE IT FURTHER RESOLVED, that the Legislative Council shall conduct the study with the cooperation and assistance of the State Water Commission, and the State Engineer; 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-seventh Legislative Assembly.

Filed March 9, 1979

SENATE CONCURRENT RESOLUTION NO. 4013  
(Orange, Vosper)

## RATIONAL NUCLEAR POLICY URGED

A concurrent resolution urging Congress to formulate a single, rational policy for regulating nuclear materials and development.

WHEREAS, presently many federal agencies regulate various aspects of nuclear materials and development; and

WHEREAS, these federal agencies often appear to be at odds with one another; and

WHEREAS, nuclear development and the mining, milling, storage, and transportation of nuclear materials in one state may materially affect the health and safety of residents of other states; and

WHEREAS, the absence of a unified federal nuclear policy has forced many states to adopt their own policies, which may be dissimilar; and

WHEREAS, a single, rational nuclear policy by the federal government may better protect the health and safety of United States citizens without unduly retarding nuclear development;

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

That the Forty-sixth Legislative Assembly urges the United States Congress to formulate a single, rational policy for nuclear materials and development throughout the nation; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of Interior, the chairmen of the House Committees on Interior and Insular Affairs and Science and Technology, the Chairman of the Senate Committee on Energy and Natural Resources, and the North Dakota Congressional Delegation.

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4014  
(Senators Nething, Hoffner)  
(Representative Strinden)

## GARRISON DIVERSION PROCESSION URGED

A concurrent resolution urging the Secretary of Interior to proceed with the design, planning and construction of the Garrison Diversion Project.

WHEREAS, the Garrison Diversion Unit was authorized by an Act of Congress in 1944, reauthorized in 1965, as a multipurpose project which includes irrigation for 250,000 acres and water for municipal and industrial use, recreation, fish and wildlife, lake restoration, stream improvement; and

WHEREAS, the official position of the State of North Dakota and the Garrison Diversion Conservancy District is that the Garrison Diversion Unit as authorized in 1965 should proceed with reasonable safeguards for the protection of health and property of all citizens; and

WHEREAS, Congress has supported the construction of the Garrison Diversion Unit with appropriations since 1968 including appropriations for Fiscal Year 1978 which included committee language which specifically states the project should proceed as authorized; and

WHEREAS, action by Congress has specifically directed the Secretary of Interior to spend the \$18.6 million funds appropriated for design and construction of those portions not affecting Canada; and

WHEREAS, the International Joint Commission calls only for a delay in the construction of that portion of the authorized project affecting Canada and gives recommendations for conditions under which that portion can proceed; and

WHEREAS, the Garrison Diversion Conservancy District has recommended to the Bureau of Reclamation that they proceed with the design, planning, and construction of the Lonetree Reservoir and Dams, New Rockford Canal, James River Feeder Canal, James River Modification, Oakes Pumping Plant, and the development of at least 5,000 acres of irrigation in the West Oakes Area; and

WHEREAS, the Garrison Diversion Conservancy District has recommended that a research and monitoring program be developed in the West Oakes Area to:

1. Monitor return flows and make verification of predictions as recommended by the International Joint Commission; and
2. Receive data which can be interpolated to irrigation areas in the Canadian system; and
3. Permit field testing of biota transfer, including the testing of the closed system concept; and
4. Permit a program of monitoring of the effects of irrigation systems on wetland and wildlife resources to adequately determine mitigation; and
5. Develop and implement a program of best management practices for irrigating agricultural lands 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 Forty-sixth Legislative Assembly supports the authorized Garrison Diversion Unit and the position of the State of North Dakota and the Garrison Diversion Conservancy District, and asks the Secretary of Interior to proceed with design, planning, and construction of those portions not affecting Canada as outlined by the Garrison Diversion Conservancy District; 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, Secretary of Interior Cecil Andrus, Commissioner of Reclamation Keith Higginson, Bureau of Reclamation Project Director Darrel Krull, North Dakota Governor Arthur A. Link, North Dakota State Water Commission, Garrison Diversion Conservancy District, and North Dakota Attorney General Allen I. Olson.

Filed February 28, 1979

SENATE CONCURRENT RESOLUTION NO. 4015  
(Naaden)

## CONSTITUTIONAL AMENDMENT ON RIGHT TO LIFE REQUESTED

A concurrent resolution requesting the Congress of the United States to propose an amendment to the Constitution of the United States for ratification by the states to provide protection of the right to life of all human beings.

WHEREAS, the great preponderance of medical and scientific evidence clearly establishes that from the moment of conception a unique human being is formed in the womb with its own genetic life qualities distinctive from its host; and

WHEREAS, from the moment of its conception an unborn human being is a person entitled to constitutional safeguards, including equal protection of the laws; and

WHEREAS, the national public interest and general welfare requires that justice be provided to ensure the rights of life itself by preventing deprivation of life to unborn human beings through death by abortion; and

WHEREAS, immediate action should be taken by the Congress of the United States to stop the present deprivation of the constitutional and civil rights of an unborn human being from the moment of its conception;

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

That the Forty-sixth Legislative Assembly of the State of North Dakota hereby requests the Congress of the United States to propose an amendment to the Constitution of the United States for ratification by the states providing that neither the United States or any state shall deprive any human being, from the moment of fertilization, of the right to life without due process of law, nor shall the United States nor any state deny any human being, from the moment of fertilization, the equal protection of the laws; and

BE IT FURTHER RESOLVED, that the Secretary of State be directed to transmit copies of this resolution to the North Dakota Congressional Delegation, the Secretary of the Senate of the United States, Clerk of the House of Representatives of the United States, and the President of the United States.

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4016  
(Jones)

## MISSOURI RIVER BARGE TRAFFIC STUDY

A concurrent resolution directing the Legislative Council to study and review the possibility of barge traffic on the Missouri River above Sioux City, Iowa, with emphasis on alternative means and economic and logistical effects of such navigation, and routes to be taken by extension of the Missouri River Navigation Project from its present head at Sioux City, Iowa.

WHEREAS, the deterioration of other means of transportation in North Dakota requires inquiry into alternative means of transportation; and

WHEREAS, the efficiency of barge traffic has been sufficiently demonstrated on the Missouri River and other navigable rivers; and

WHEREAS, the State of South Dakota desires to secure both North Dakota and Montana coal for power plant and other use and has expressed an interest in participation in a Missouri River Navigation Project; and

WHEREAS, previous studies on the extension of the Missouri River Navigation Project concentrated on navigation by means of locks at the main stem dams;

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 on navigation of the Missouri River above Sioux City, Iowa, utilizing barge traffic, with special emphasis on alternative means and economic and logistical effects of such navigation, and routes to be taken by extension of the Missouri River Navigation Project from its present head at Sioux City; and

BE IT FURTHER RESOLVED, that the Legislative Council may conduct the study with the cooperation and assistance of South Dakota or any other state, any state agency, political subdivision, or any federal agency, and any individual or business entity

concerned with or having an interest in navigation of the Missouri River above Sioux City; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4017  
(Lashkowitz)

## NORTH DAKOTA POETS LAUREATE DESIGNATED

A concurrent resolution designating Henry R. Martinson of Fargo and Lydia O. Jackson of Grafton as Poets Laureate of North Dakota.

WHEREAS, 96-year-old Henry R. Martinson of Fargo is a respected and long-time citizen of North Dakota whose mastery with the pen has inspired, moved, and eased the pain of many by bringing life into a more pleasant perspective; and

WHEREAS, Mr. Martinson's inspired verse has been acknowledged nationally and has resulted in a published book of poems entitled "Old Trails and New"; and

WHEREAS, Henry R. Martinson formerly served as editor of the "Iconoclast" which featured his poetry and that of Lydia O. Jackson as well as poetry by other poets of national fame; and

WHEREAS, Mr. Martinson is also highly respected for his achievements as a North Dakota pioneer homesteader, farmer, worker, public official, historian, and actor having recently been featured in the motion picture "Northern Lights"; and

WHEREAS, Lydia O. Jackson was born in North Dakota and is a highly respected lifelong resident of this state; and

WHEREAS, Mrs. Jackson is the author of several books of poems including: "Rhymes for Every Season", 1943; "Selected Poems", 1962; and "Pardon My Gaff", 1965; and

WHEREAS, Lydia O. Jackson has also compiled a book of poems entitled "Peace Garden of Verses", 1967, and has written many poems which have particular significance and meaning for the State of North Dakota, including "Sakakawea in Bronze"; and

WHEREAS, Mrs. Jackson has received the honor and distinction of having her work acclaimed by her poet contemporaries, as evidenced by the inclusion of a biographical sketch of her life in the International Who's Who In Poetry on several occasions, and her

designation as Poet Laureate by the American Poets Fellowship Society; and

WHEREAS, it is fitting that Henry R. Martinson and Lydia O. Jackson, who were designated as Associate Poets Laureate of North Dakota in 1975, be elevated to the designation of Poet Laureate, a designation held by the late Corbin A. Waldron of Minot from 1957 until his recent death;

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

That Henry R. Martinson of Fargo and Lydia O. Jackson of Grafton be designated as Poets Laureate of the State of North Dakota until a successor or successors shall be named by the Legislative Assembly; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to Mr. Henry R. Martinson and Mrs. Lydia O. Jackson.

Filed January 18, 1979

SENATE CONCURRENT RESOLUTION NO. 4018  
(Senators Lee, Iszler)  
(Representatives Freborg, Lang, Schindler)

## ALLOCATION OF IN LIEU TAX PAYMENTS URGED

A concurrent resolution urging Congress to amend Public Law 94-565 to provide that in lieu of tax payments be allocated among all local units of government in proportion to the tax loss suffered by the various local units, or to authorize the states to provide for the allocation of the in lieu of tax payments.

WHEREAS, Congress has authorized and directed the Secretary of the Interior to provide federal payments to units of local government within the boundaries of which federal lands lie by Public Law 94-565, the "Payments in Lieu of Taxes Act"; and

WHEREAS, the purpose of such payments is to recognize the burden imposed by the tax immunity of federal lands (Senate Report No. 94-1262); and

WHEREAS, the Department of the Interior, through the Bureau of Land Management, has determined that counties in North Dakota are the units of government eligible to receive payments; and

WHEREAS, school districts and other local units of government have also been burdened by the tax immunity of federal lands, yet are not assured of receiving any portion of the in lieu of tax payment;

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 respectfully urged to amend Public Law 94-565 to provide that in lieu of tax payments be allocated among all local units of government proportionately with the tax loss suffered by the various local units by reason of the tax immunity of federal lands, or, in the alternative, to provide that each state be authorized to allocate the payments among the affected local units of government in a fair and equitable manner; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Committee on Interior and Insular Affairs of both the United States House of Representatives and the United States Senate, to the Secretary of the Interior, and to the North Dakota Congressional Delegation.

Filed March 15, 1979

SENATE CONCURRENT RESOLUTION NO. 4019  
(Iszler, Lips, Schirado)

## CORRECTIONAL FACILITY NEEDS STUDY

A concurrent resolution directing a Legislative Council study of the North Dakota state penitentiary, state farm, and the "sunny farm" in Mandan as integral parts of a total corrections master plan for the state.

WHEREAS, the inmate population at the state penitentiary and state farm is increasing toward capacity; and

WHEREAS, much of the penitentiary and state farm facilities are very old and require expensive upkeep or remodeling; and

WHEREAS, commercial, residential, mineral mining and highway development is encroaching on all sides of the penitentiary, state farm, and "sunny farm", affecting their dairy and cattle operations; and

WHEREAS, the penitentiary and its properties are in the path of expansion by the cities of Bismarck and Mandan, increasing the value of their land to the extent that its use for farming is economically questionable; and

WHEREAS, such urbanization tends to reduce prison security; and

WHEREAS, it is desirable to begin planning for the future of the North Dakota state penitentiary and its auxiliary facilities and properties to determine if, and if so, when and where the prison should be relocated and how it can be accomplished if needed in a timely and economic fashion; and

WHEREAS, other states have successfully utilized local correctional facilities not only to relieve the strain on the state penitentiary but also as community correction alternatives; and

WHEREAS, the state is in need of sentencing alternatives at the local and state level; and

WHEREAS, all correction facility needs are best reviewed within the scope of a total rather than fragmented study;

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 comprehensive study and evaluation of adult correctional facility needs throughout the state and to develop a comprehensive state corrections master plan which includes a long range approach to meeting those needs; and

BE IT FURTHER RESOLVED, that within the scope of this study the Legislative Council is directed to conduct a comprehensive study and evaluation of the location of the properties and facilities of the North Dakota state penitentiary to ascertain the economic and program impact they have on its future operations and to determine if there is a need to relocate the penitentiary and, if so, how and when it should be accomplished; and

BE IT FURTHER RESOLVED, that the Director of Institutions and such other state agencies and institutions as the Legislative Council may select shall provide such aid and assistance as the Council may request in conducting the study. The Legislative Council shall also appoint citizen members to serve upon the committee; 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-seventh Legislative Assembly.

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4020  
(Hanson)

## RARE EARTH CONFERENCE PARTICIPANTS GREETED

A concurrent resolution of greetings to the participants of the 14th International Rare Earth Conference to be held at North Dakota State University, Fargo, North Dakota, on June 25-28, 1979.

WHEREAS, the Rare Earth Research Conference represents the most prestigious forum in the world for specialists in the field of rare earth science and technology to gather and present their current findings; and

WHEREAS, the Rare Earth Research Conference brings together scientists from university, industrial, and government laboratories and features invited, as well as contributed, papers in physics, chemistry, material sciences, earth sciences, and biological sciences; and

WHEREAS, rare earth science and technology has played a significant role in changing the quality of life. Color television tubes, dye pigments, and rare earth radioactive tracers used in diagnostic medicine represent some of the benefits that rare earth science and technology have contributed to our way of life. Rare earth alloyed into steel and other structural metals provided material strength and flexibility that aided America's astronauts in reaching the moon; and

WHEREAS, the Conference Planning and Program Committees have selected conference sites of natural beauty for intellectual stimulation away from population centers so as to provide a relaxed, informal setting for mutual exchange of ideas;

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

That the Forty-sixth Legislative Assembly sends greetings to all the conference participants and their families and welcomes them to the "Peace Garden" State of North Dakota.

Filed January 23, 1979

SENATE CONCURRENT RESOLUTION NO. 4021  
(Senators Nething, Hoffner)  
(Representatives Strinden, Backes)

## COAL TRAIN IMPACT TAX EXEMPTION URGED

A concurrent resolution urging Congress to exempt North Dakota lignite from provisions of any federal coal severance tax enacted for the purpose of alleviating impacts created by increased coal train traffic.

WHEREAS, it was recently announced by the Department of Transportation that legislation may be introduced in the Congress of the United States to impose a federal severance tax on coal mined; and

WHEREAS, the stated purpose of such legislation is to create a fund to be utilized to alleviate impacts of increased coal train traffic; and

WHEREAS, North Dakota lignite accounts for only three unit coal trains per week on the Burlington Northern Railroad, and seven of such trains per week on the Milwaukee Railroad, such trains traveling to Fergus Falls, Minnesota and Big Stone, South Dakota, respectively; and

WHEREAS, unit coal trains carrying North Dakota lignite thereby make no significant contribution to overall impacts created by the movement of coal across railroads in this region and the nation; and

WHEREAS, economics and physical characteristics dictate that North Dakota lignite must be utilized at or near the place where it is mined; and

WHEREAS, it is not expected or predicted that expanded development of North Dakota lignite will result in any increase in the shipment by rail of said lignite; and

WHEREAS, impacts created by increased coal train traffic are indeed created by coal mined in states other than North Dakota; and

WHEREAS, electrical generating plants in North Dakota are now supplying, and will continue to supply, electricity to several

states in this region, with the vast majority of the lignite utilized by these plants being mined at or near the plant site, thereby eliminating the need to ship lignite on railroads;

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

That the Forty-sixth Legislative Assembly urges the United States Congress to exclude North Dakota lignite from any legislation which may create a federal severance tax for the purpose of offsetting impacts created by increased coal train traffic; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of Energy, the Secretary of the Department of Transportation, the chairman of the Joint Committee on Taxation, the chairmen of the Senate Committees on Energy and Natural Resources; Environment and Public Works; Energy and Natural Resources; Commerce, Science and Transportation; and the House Committees on Public Works and Transportation; Interstate and Foreign Commerce; and Ways and Means, and each member of the North Dakota Congressional Delegation.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4022  
(Senators Goodman, Melland)  
(Representatives Winkjer, Kloubec)

## FEDERAL SURFACE MINING REGULATION DELAY URGED

A concurrent resolution urging the President of the United States and the Congress to grant the state of North Dakota a two-year delay in complying with the regulations being promulgated by the Department of the Interior pursuant to the Surface Mining Reclamation and Control Act of 1977.

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

That the state of North Dakota recognizes the value of adequate surface mining and abandoned mine reclamation and fully respects the long-range goals of the Surface Mining Reclamation and Control Act of 1977; and

That the state of North Dakota recognizes that compliance with the federal regulations is necessary in order to receive federal moneys to aid the state in control of its own reclamation programs; and

That the President of the United States and the Congress are urged to grant the state of North Dakota a two-year delay in complying with the regulations being promulgated by the Department of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 and hold those moneys which would accrue to the state upon compliance with the proposed federal regulations until the state has completed a two-year study of the federal requirements because:

1. The North Dakota Legislative Assembly, since it only meets biennially, is unable to take advantage of the six-month extension granted by the Department of the Interior and is being asked to be the first state to consider and respond to the proposed federal regulations although the regulations will not be finalized and published until after February 16, 1979, when all North Dakota bills must be reported out of their house of origin.

2. The Legislative Assembly requires adequate time to accept the excessive costs to the state necessitated by compliance with the proposed federal regulations.
3. North Dakota's present reclamation laws are acknowledged to be among the best in the nation and compliance with the proposed federal regulations is not as imperative as it may be in states with less stringent reclamation programs.
4. North Dakota can readily adapt its present reclamation laws to comply with the intent of the federal Act, while compliance with the proposed federal regulations, when finalized, will be much more difficult.
5. The proposed regulations will add billions of dollars to coal acquisition costs at a time when increased coal use is being promoted for both environmental and economic reasons.
6. The federal government has not reached a consensus on the issues associated with surface mining reclamation, as evidenced by the facts that:
  - a. The regulations proposed by the Department of the Interior are being contested by both White House economists and Department of Energy officials.
  - b. Other federal agencies, notably the President's Council of Economic Advisors, are seeking to participate in the rulemaking process and are not being allowed to do so.
  - c. The President's Council on Wage and Price Stability termed the proposed regulations "more stringent" than the federal reclamation law itself requires.
  - d. The Department of the Interior has declined to inform other federal and state agencies of the current status of the proposed regulations.

Therefore, we urge the President and the Congress to grant the state of North Dakota a two-year delay, and respond to this resolution prior to March 8, 1979, when all North Dakota bills must be reported out of committee in the second house.

Furthermore, we urge each member of the North Dakota Congressional Delegation to request a response from the President and to offer his advice and consultation in formulating a response.

Further, we urge that copies of this Resolution be mailed to the Governor of each coal producing State in the Nation.

Filed February 8, 1979

SENATE CONCURRENT RESOLUTION NO. 4023  
(Senators Jacobson, Roen)  
(Representatives Murphy, Thompson, Wald)

## LITTLE MISSOURI NATIONAL GRASSLANDS MANAGEMENT

A concurrent resolution urging the Secretary of Agriculture to delete the Twin Buttes area from any legislation to increase the National Wilderness System, and to manage the area and all other areas of the Little Missouri National Grasslands for multiple uses pursuant to the Badlands and Rolling Prairies management plans.

WHEREAS, the Little Missouri National Grasslands constitute federal lands acquired for the specific purposes of establishing conservation programs, fostering multiple use management, providing local economic stability, restoring depleted lands to productivity, and serving as a demonstration area for grasslands management pursuant to Title III of the Bankhead-Jones Farm Tenant Act; and

WHEREAS, the existing Badlands and Rolling Prairies management plans were developed as multiple use management programs for the Little Missouri National Grasslands with substantial public involvement and public support; and

WHEREAS, the RARE II Environmental Impact Statement was developed in a hasty manner with no public hearings in North Dakota; and

WHEREAS, North Dakota citizens overwhelmingly oppose any wilderness designations in the Little Missouri National Grasslands; and

WHEREAS, all commenting state agencies and local units of government in North Dakota have opposed wilderness designations in the Little Missouri National Grasslands; and

WHEREAS, continued multiple use management pursuant to the Badlands and Rolling Prairies management plans is in the best interests of North Dakota; and

WHEREAS, the Honorable Bob Bergland, Secretary of Agriculture, has proposed the Twin Buttes area of the Little Missouri National Grasslands as a wilderness area; and

WHEREAS, the Twin Buttes area contains nearly 12,000 acres and includes within its boundaries over 2,500 acres of state land and 300 acres of private land and over 3,500 acres of privately owned mineral rights; and

WHEREAS, a wilderness designation unduly inhibits private land and mineral owners from the peaceful enjoyment of their property while providing no justifiable environmental safeguards not already specified in existing management plans and environmental protection laws; and

WHEREAS, part of the Twin Buttes area is currently governed by the provisions of an allotment management plan which specifies a multiple use management program that has been approved by the United States and surface permittees; and

WHEREAS, the state-owned land within the Twin Buttes area constitutes grant land from the United States government pursuant to the Enabling Act which contains a congressional mandate that such lands be held in trust and managed in such a manner as will provide a sustained income to the beneficiaries of the trust; and

WHEREAS, North Dakota has accepted a land grant from the United States for public highways by declaring all section lines to be open to all usual and customary modes of travel and has not relinquished same in the Twin Buttes area; and

WHEREAS, while the world energy and food shortage is being mitigated by production in the Little Missouri National Grasslands, a wilderness designation for the Twin Buttes would eliminate mineral development except directional drilling for oil and gas, and would decrease grazing an estimated 30 percent in the Twin Buttes area due to the inability to properly maintain range improvements and eradicate noxious weeds, and would otherwise hinder or eliminate all active management techniques in favor of passive techniques; and

WHEREAS, the Theodore Roosevelt National Park contains wilderness areas that adequately represent the Badlands and Rolling Prairies ecosystems;

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

That the Forty-sixth Legislative Assembly opposes the inclusion of the Twin Buttes area in the National Wilderness System; and

BE IT FURTHER RESOLVED, that the Forty-sixth Legislative Assembly supports multiple use management of all of the Little Missouri National Grasslands pursuant to the existing Badlands and Rolling Prairies management plans; and

BE IT FURTHER RESOLVED, that the Forty-sixth Legislative Assembly hereby requests Secretary of Agriculture Bergland to delete

the Twin Buttes area from any legislation to increase the National Wilderness System, and to manage said area and all other areas of the Little Missouri National Grasslands for multiple uses pursuant to the Badlands and Rolling Prairies management plans; and

BE IT FURTHER RESOLVED, that the Forty-sixth Legislative Assembly requests the Secretary of State to forward copies of this resolution to President Jimmy Carter, Secretary of Agriculture Bob Bergland, the North Dakota Congressional Delegation, Mr. John McGuire, Chief of the United States Forest Service, and Governor Arthur A. Link.

Filed February 16, 1979

SENATE CONCURRENT RESOLUTION NO. 4024  
(Senators Lips, Melland)

## FIRE PREVENTION WEEK DESIGNATION URGED

A concurrent resolution urging Governor Arthur A. Link to designate the week of October 7-13, 1979, as Fire Prevention Week, and October 7, 1979, as Firefighters' Memorial Sunday.

WHEREAS, Congress has designated the week of October 7-13, 1979, as Fire Prevention Week and October 7, 1979, as Firefighters' Memorial Sunday; and

WHEREAS, Congress has authorized the President to designate the month of October of each year as National Fire Prevention Month; and

WHEREAS, appropriate education and the implementation of safety procedures and inspections can aid in the prevention of the unnecessary loss of lives and property as the result of fires; and

WHEREAS, courageous firefighters have protected the lives and dreams of their neighbors from the ravages of fire since the earliest history of 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-sixth Legislative Assembly urges Governor Arthur A. Link to designate the week of October 7-13, 1979, as Fire Prevention Week, and October 7, 1979, as Firefighters' Memorial Sunday; and

BE IT FURTHER RESOLVED, that the attorney general, through his appointee the state fire marshal, may coordinate observation of Fire Prevention Week and Firefighters' Memorial Sunday through such activities and educational programs as may be appropriate.

Filed January 29, 1979

SENATE CONCURRENT RESOLUTION NO. 4025  
(Wright, Goodman)

## RAILROAD ASSESSMENT ALTERNATIVES STUDY

A concurrent resolution directing the Legislative Council to study the alternative methods available for the assessment of railroad operating property by the State Board of Equalization.

WHEREAS, section 179 of the North Dakota Constitution and chapter 57-05 of the North Dakota Century Code require that the operating property of railroads, including franchises, shall be annually assessed by the State Board of Equalization; and

WHEREAS, on February 5, 1976 the President signed into law the Railroad Revitalization and Regulatory Reform Act [Public Law 94-210], with an effective date of February 5, 1979; and

WHEREAS, section 306 of Public Law 94-210 declares the following acts by a state or its political subdivisions constitute an undue burden on interstate commerce:

1. The assessment of railroad property at a value which bears a higher ratio to the true market value of such railroad property than the ratio which the assessed value of all other commercial and industrial property in the same assessment jurisdiction bears to the true market value of all such other commercial and industrial property;
2. The levy or collection of any tax which is unlawful pursuant to number 1;
3. The levy or collection of any ad valorem railroad property tax at a rate higher than the tax rate generally applicable to commercial and industrial property in the same assessment jurisdiction; and
4. The imposition of any other tax which results in the discriminatory treatment of a railroad; and

WHEREAS, the district courts of the United States shall have jurisdiction in cases brought to determine whether a state or its

political subdivisions have violated section 306 of Public Law 94-210; and

WHEREAS, the severe federal limitation of a state's power to tax railroad property has created a need for legislative review of the alternative methods of assessing railroad property 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 directed to study the alternative methods available for the assessment of railroad operating property by the State Board of Equalization; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, along with any legislation required to carry out its recommendations to the Forty-seventh Legislative Assembly.

Filed March 14, 1979

SENATE CONCURRENT RESOLUTION NO. 4026  
(Jones)

## STATE EMPLOYMENT INFORMATION URGED

A concurrent resolution urging state agencies, departments, boards, and commissions to furnish the Employment Security Bureau with information relating to employment opportunities.

WHEREAS, information regarding employment opportunities with state agencies, departments, boards, and commissions is presently disseminated in a number of ways and with varied results; and

WHEREAS, qualified persons throughout the state often do not have knowledge of employment opportunities with state agencies, departments, boards, and commissions; and

WHEREAS, statewide dissemination of this employment information will surely increase the number of applicants for employment positions with the state; and

WHEREAS, a greater number of applicants for positions with the government may well increase the efficiency and effectiveness of state government; and

WHEREAS, information regarding employment opportunities with state government could be disseminated at no additional cost by the Employment Security Bureau through its Job Service offices;

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

That each state agency, department, board, and commission is urged to furnish the Employment Security Bureau with information regarding employment opportunities with that agency, department, board, or commission; and

BE IT FURTHER RESOLVED, that each agency, department, board, and commission attempt to maximize the benefits of such dissemination through modification, if necessary, of its employment policies.

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4029  
(Committee on Transportation)

## MILWAUKEE ROAD LINES WEST MAINTENANCE URGED

A concurrent resolution urging the Congress of the United States and the trustee in bankruptcy of the Milwaukee Road railroad to maintain Lines West as a viable and operating railroad line.

WHEREAS, the Milwaukee Road is presently in bankruptcy proceedings; and

WHEREAS, it appears to be the intent of the trustee in bankruptcy of the Milwaukee Road to abandon Lines West (those portions of the Milwaukee Road west of Minneapolis and St. Paul, Minnesota); and

WHEREAS, the abandonment of Lines West would have some or all of the following results:

1. The loss of railroad service to coal-fired electric generating stations;
2. The loss of railroad service to grain, livestock, and other agricultural shippers; or
3. The loss of a competitive railroad to compete with other railroads and other types of shippers in the area.

WHEREAS, the aforementioned results will, in turn, mean the following:

1. Business will be placed in a noncompetitive position creating a negative growth atmosphere;
2. Some businesses will fall victim to bankruptcy;
3. Employment levels will decline; and
4. Economic stagnation of the area will be the final result.

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

That:

1. Lines West be maintained as a viable operating railroad entity;
2. The trustee in bankruptcy of the Milwaukee Road is urged to maintain Lines West so that lack of maintenance will not force abandonment and destroy Lines West as a viable portion of the Milwaukee Road; and
3. The Congress of the United States and the Secretary of Agriculture are urged and requested to take whatever remedial steps are necessary, with all possible speed, to prevent loss of Lines West to the state of North Dakota and other great plains states.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Agriculture, the Secretary of the Department of Transportation, the North Dakota Congressional Delegation, the trustee in bankruptcy of the Milwaukee Road railroad, and the legislative assemblies of Montana, South Dakota, Idaho, and Washington; and

BE IT FURTHER RESOLVED, that the trustee in bankruptcy of the Milwaukee Road is urged to give notification of the bankruptcy hearings to the North Dakota Legislative Assembly through the North Dakota Legislative Council so that the appropriate committee chairmen of the North Dakota Legislative Assembly can attend the bankruptcy hearings.

Filed March 27, 1979

SENATE CONCURRENT RESOLUTION NO. 4030  
(Senator Nething)  
(Representative Strinden)

**STRIKING EMPLOYEE ASSISTANCE  
DISCONTINUANCE URGED**

A concurrent resolution urging Congress to discontinue government assistance to striking employees.

WHEREAS, although employees have the right to strike, and will never lose that right under the Constitution of the United States, striking employees should not be subsidized by government assistance programs; and

WHEREAS, striking employees may critically interfere with the public's right to electricity, employment, and education, as evidenced by the recent three-month coal strike; and

WHEREAS, it is unfair that the public must subsidize striking employees;

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

That the Legislative Assembly of the State of North Dakota urges the Congress of the United States to act expeditiously to amend the eligibility standards of the Food Stamp Act of 1964 [Pub. L. 88-525, 78 Stat. 703, 7 U.S.C. 2011 et seq.], as amended, so that striking employees not be allowed to receive government assistance.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4032  
(Senator Nething)  
(Representative Strinden)

## AFDC EARNED INCOME EXEMPTION AMENDMENT URGED

A concurrent resolution urging the Congress of the United States to review and amend the federal statute relating to the earned income exemption in the aid to families with dependent children program.

WHEREAS, the state of North Dakota has consistently demonstrated its concern for the health, well-being, and dignity of its citizens by maintaining a reasonable public assistance level of payment standard compatible with the national average; and

WHEREAS, the state of North Dakota has consistently encouraged employment as a viable alternative to public assistance resulting in a proportion of welfare recipients to its total population that is among the lowest in the nation; and

WHEREAS, the state of North Dakota has consistently maintained one of the lowest error rates in the administration of the aid to families with dependent children program, the medical assistance program, and the food stamp program; and

WHEREAS, the ever-escalating costs of the aid to families with dependent children program have imposed a severe financial hardship on the state; and

WHEREAS, the federally mandated thirty and one-third earned income exemption has:

1. Been difficult to administer because payroll deductions and other employment-related costs must each be dealt with individually, leading to many budgeting errors; and
2. Had a dramatically different impact among states due to their wide range of payment levels, with states which recognize a reasonable standard of need finding it extremely difficult to close cases because of earnings; and

3. Created a class of employed public assistance recipients whose assistance grant, partially exempt earnings, and related program benefits exceed the income of many independently functioning families in the community; and
4. Unnecessarily increased the costs of the aid to families with dependent children program; and
5. Eroded the public's confidence in the program;

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 review and amend its statute relating to the earned income exemption in a manner as to:

1. Simplify its administration by adoption of an "off the top" exemption of earnings which would incorporate all employment expenses with the exception of child care; and
2. Provide states with latitude to select, from within a range established in federal law, earnings to be exempt, thereby permitting a more reasonable integration with a state's level of assistance; and
3. Either mandate the level of payment as well as earning exemptions, or grant the states the option of determining the earning exemptions as well as the level of payment, as the two are interrelated.

BE IT FURTHER RESOLVED, that the Congress is respectfully requested to notify the North Dakota Legislative Council and the Executive Director of the Social Service Board of North Dakota when hearings are to be held on legislation, if any, introduced in response to this resolution; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Secretary of the United States Department of Health, Education, and Welfare, the President of the Senate, the Speaker of the House of Representatives, and to the North Dakota Congressional Delegation.

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4033  
(Senators Melland, Lee)  
(Representatives Winkjer, Scofield)

## CONSTITUTIONAL AMENDMENT PROHIBITING ESTATE TAX REQUESTED

A concurrent resolution to request appropriate action by the Congress, either acting by consent of two-thirds of both houses or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the Federal Constitution to prohibit federal estate taxes.

WHEREAS, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states;

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

That the Forty-sixth Legislative Assembly of North Dakota proposes to the Congress of the United States that procedures be instituted in the Congress to propose and submit to the several states an amendment to the Constitution of the United States to prohibit Congress from passing any laws taxing death or property, real or personal, transferred upon death by action of law, devise, or bequest; and

BE IT FURTHER RESOLVED, that, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to prohibit Congress from passing any laws taxing death or property, real or personal, transferred upon death by action of law, devise, or bequest; and

BE IT FURTHER RESOLVED, that this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of

the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this concurrent resolution, then this petition for a constitutional convention shall no longer be of any force or effect; and

BE IT FURTHER RESOLVED, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

BE IT FURTHER RESOLVED, that this body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Secretary of State and presiding officers of both houses of the legislatures of each of the several states in the union, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and to the North Dakota Congressional Delegation.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4034  
(Senators Sorum, Farrington, Wright)  
(Representatives Peltier, Houmann, Schindler)

## BLACKBIRD EMERGENCY REQUEST URGED

A concurrent resolution urging the governor to request an emergency condition designation for North Dakota from the Environmental Protection Agency to control or eliminate blackbird depredation of sunflowers and other crops.

WHEREAS, sunflowers have become an increasingly important cash crop in North Dakota; and

WHEREAS, depredation of sunflowers, garden produce, corn, millet, oats, barley, and wheat by blackbirds has become an increasingly serious problem; and

WHEREAS, present methods of controlling blackbird depredations have proved ineffective; and

WHEREAS, the future growth of sunflowers as a cash crop in North Dakota may depend on discovering an effective means of controlling or eliminating blackbird depredations; and

WHEREAS, it appears that use of pesticides currently prohibited by the Federal Pesticide Control Act of 1972 [Pub. L. 92-517] may afford relief from blackbird depredations; and

WHEREAS, it appears that the North Dakota Game and Fish Department is the proper agency to oversee pesticide application while minimizing environmental harm; and

WHEREAS, the administrator of the Environmental Protection Agency has authority under section 18 of the federal Act to exempt state agencies from the provisions of the Act;

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

That the Governor is urged to request the administrator of the Environmental Protection Agency to declare that emergency conditions exist relative to blackbird depredation of sunflowers, garden produce, corn, oats, barley, and wheat and exempt the North Dakota

Game and Fish Department from the provisions of the Federal Pesticide Control Act of 1972; and

BE IT FURTHER RESOLVED, that the Game and Fish Department is urged to consult with the Environmental Protection Agency in devising a method to control depredations while minimizing environmental harm.

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4035  
(Melland)ADMINISTRATIVE AGENCIES PRACTICE  
ACT STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the Administrative Agencies Practice Act.

WHEREAS, the North Dakota Administrative Agencies Practice Act was originally enacted in 1941 to standardize rulemaking powers of state administrative agencies; and

WHEREAS, the Administrative Agencies Practice Act is basically a two-pronged approach to administrative agency practice in that the Act provides for rulemaking procedures to be followed and for methods of appealing administrative agency decisions; and

WHEREAS, many agencies which were in existence prior to 1941 or which have been created after 1941 have statutory authority to promulgate rules under procedures other than those provided by the Administrative Agencies Practice Act; and

WHEREAS, the 1977 Legislative Assembly provided for the publication of the North Dakota Administrative Code, under the assumption that all state agencies follow the standardized procedures for rulemaking as contained in the Administrative Agencies Practice Act; and

WHEREAS, there appear to be at least 91 state agencies which could be considered administrative agencies with rules affecting persons outside the agency involved; and

WHEREAS, of these 91 agencies, 23 are not subject to the Administrative Agencies Practice Act and are not required to follow the procedures of that Act in promulgating rules and regulations; and

WHEREAS, many state agencies may be subject to the Administrative Agencies Practice Act with respect to some parts of their rulemaking authority but not with respect to other subject matter administered by the agencies; and

WHEREAS, there is a striking lack of uniformity in state laws concerning rulemaking authority of state agencies, notice, timeliness, public hearings, and publication of the rules; and

WHEREAS, many agencies do not come under the Administrative Agencies Practice Act because their decisions are not subject to review by courts and therefore they are not technically "administrative agencies" under the Act;

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 directed to conduct a study of the Administrative Agencies Practice Act, North Dakota Century Code Chapter 28-32, which shall include consideration of the agencies subject to the Act, the agencies not subject to the Act, the various rulemaking procedures under current law, any public hearing requirements, the procedures and practices prior to and after such hearings, the appeals available, the desirability and feasibility of standardizing administrative rulemaking authority, and the extent administrative agency rules should be published in the North Dakota Administrative Code; and

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

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4036  
(Melland)

## STATE LAND USE POLICIES STUDY

A concurrent resolution directing the Legislative Council to study land use policies for state-owned land and uniformity of transfer requirements for state-owned land.

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

WHEREAS, certain tracts of state-owned land may have the potential for higher public or private uses than their current use; and

WHEREAS, state-owned lands are presently sold, transferred, exchanged, or otherwise conveyed on an individual basis by various procedures outlined in the North Dakota Century Code or in the enactments authorizing the conveyances; and

WHEREAS, the processes for transferring state-owned lands have included public auction on the courthouse steps, written bids, private sale at appraised price, and private sale for specific amounts; and

WHEREAS, these various processes for conveying state-owned land indicate a lack of uniformity for ensuring the transfer of such lands in the best interest of the citizens of the entire state;

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 directed to conduct a study to examine the setting of priorities for the use of state-owned land, to determine whether state-owned land should be sold by negotiation or by bid, and to determine the feasibility or desirability of establishing uniformity in the various methods and processes of transferring state-owned land; and

BE IT FURTHER RESOLVED, that the institutions or departments utilizing or managing land in the execution of their mission report current and projected use of land tracts under their direction; and

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

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4038  
(Iszler, Smykowski, Strinden)

## HOMEMAKER'S CONTRIBUTION RECOGNITION URGED

A concurrent resolution urging Congress to recognize the contribution of a spouse as homemaker for estate tax and social security purposes.

WHEREAS, after a marriage has tragically ended due to the death of one spouse, all property of the marriage is included in the gross estate of the decedent for federal estate tax purposes; and

WHEREAS, federal law provides that jointly held property is included in the gross estate of the first tenant to die, except that portion the survivor shows was "attributable to the amount of the consideration in money or money's worth furnished by" the survivor; and

WHEREAS, this burden of showing contribution is clearly on the survivor and a spouse's service as a homemaker is not considered to be "consideration in money or money's worth"; and

WHEREAS, the only exception to this requirement is the "fractional interest rule" whereby property acquired by gift or inheritance during the marriage is included in the decedent's estate to the extent of the share received by the decedent; and

WHEREAS, failure by Congress to recognize the invaluable contribution of a wife's service as a homemaker to the success of her husband, by requiring the contribution to be expressed in monetary terms, lowers the marital relationship to the level of a formalistic contract relationship; and

WHEREAS, a spouse who contributes to the marriage by service as a homemaker also receives no recognition for social security purposes; and

WHEREAS, a homemaker not covered by social security receives no disability benefits prior to age 50; and

WHEREAS, the children of a deceased homemaker not covered by social security receive no survivor's benefits;

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

That the Forty-sixth Legislative Assembly urges the United States Congress to amend federal estate tax and social security provisions in a manner to recognize the contribution of a wife's services as homemaker with respect to the ownership of joint tenancy property and eligibility for social security coverage; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Chairman of the United States Senate Committee on Finance and the Chairmen of that committee's Subcommittees on Taxation and Debt Management Generally and Social Security; the Chairman of the United States House of Representatives Committee on Ways and Means and the Chairmen of that committee's Subcommittees on Miscellaneous Revenue Measures and Social Security; and to each member of the North Dakota Congressional Delegation.

Filed March 14, 1979

SENATE CONCURRENT RESOLUTION NO. 4039  
(Senator Nething)  
(Representative Strinden)

## COMPUTERIZED FIREARMS REGISTRATION OPPOSED

A concurrent resolution opposing the Bureau of Alcohol, Tobacco, and Firearms' back door approach to a computerized firearms registration system.

WHEREAS, the Bureau of Alcohol, Tobacco, and Firearms published its plans for a computerized firearms registration system in the Federal Register; and

WHEREAS, the bureau asked for public comment on these "new firearms regulations"; and

WHEREAS, the Bureau of Alcohol, Tobacco, and Firearms has published its plans with no congressional authority, thus constituting a back door approach to a control which Congress has always opposed; and

WHEREAS, Congress has rejected federal gun control registration for the past decade; and

WHEREAS, if this federal agency is permitted to initiate its program without complaint, all hunters, target shooters, and arms bearing private citizens will be subject to gun confiscation; and

WHEREAS, the Bureau of Alcohol, Tobacco, and Firearms will be able to determine the identity of every dealer-purchased firearm in the United States;

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

That the Forty-sixth Legislative Assembly is highly opposed to the back door tactics of the Bureau of Alcohol, Tobacco, and Firearms in publishing its plans for a computerized firearms registration system and urges the North Dakota Congressional Delegation to strongly protest the bureau's dictatorial process of gun registration; and

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

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4040  
(Lashkowitz)

## REAL PROPERTY TAXATION STUDY

A concurrent resolution directing the Legislative Council to study the taxation of real property with emphasis upon the role of the state board of equalization.

WHEREAS, there is a continuing need for increased revenues to support the political subdivisions of this state; and

WHEREAS, disparities in assessment levels have developed between different classes of property; and

WHEREAS, some property taxed on an ad valorem basis in this state is assessed by local assessors and other property is assessed by the state board of equalization; and

WHEREAS, different methods of valuing various kinds of property for ad valorem tax purposes have been applied by local assessors and the state board of equalization; and

WHEREAS, the state board of equalization has not moved to remedy these disparities; and

WHEREAS, the taxpayers of this state desire a more equitable distribution of the tax burden;

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 taxation of real property in this state with emphasis upon the role to be played by the state board of equalization; and

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

Filed March 14, 1979

SENATE CONCURRENT RESOLUTION NO. 4045  
(Jones)

## BIOMASS RESIDUE STUDY

A concurrent resolution directing the Legislative Council to study the potential for agricultural crop residue or waste known as biomass residue, as an energy source, with emphasis on the economic feasibility, the cost of production, evaluation of the technology, and the possibility of state and federal grants and tax incentives and relief, to further the development of agricultural crop residue powered systems.

WHEREAS, the world's supply of commonly used energy sources is finite; and

WHEREAS, the world's population is increasing, new products are being developed, energy demands are increasing, the major portion of the world's petroleum supply is owned by foreign nations, and a continuous supply of petroleum is by no means assured; and

WHEREAS, the world's supply of petroleum is being wasted on low priority uses; and

WHEREAS, although biomass residue utilization probably cannot provide sufficient energy to equal current or future predicted demands, it can reduce the dependence on nonrenewable sources, thereby helping to prevent curtailment of industrial development and energy consumption; and

WHEREAS, alternative sources of energy from agricultural products are now being used and the techniques are being perfected; and

WHEREAS, research efforts are now being conducted in this state and other states to investigate alternative energy sources and to improve existing technologies for alternative energy sources; and

WHEREAS, although technologies now exist to provide for further dependence on renewable energy sources, the technology needs to be improved and evaluated, and the availability of potential conversion processes needs further exploration;

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 economic feasibility, the state of the technology, the cost of production, and the potential hazards of existing and potential sources of agricultural crop residue powered systems for biomass utilization, including utilization of chaff, straw, cornstocks, flax pellets, and other agricultural products; and

BE IT FURTHER RESOLVED, that the Legislative Council study of biomass residue utilization include investigation of state and federal grants for energy development, tax incentives and tax relief for alternative source energy development, and other methods for promotion of biomass residue utilization as an alternative energy source; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations, together with any legislation required to implement the recommendations, to the Forty-seventh Legislative Assembly; and

BE IT FURTHER RESOLVED, that the State Library of North Dakota serve as an informational center for biomass residue and other scientific and technological data information from our state and other regional sources.

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4046  
(Senators Barth, Sands, Shablow)  
(Representatives Solberg, Hove, Mertens)

## DISASTER EMERGENCY SYSTEM STUDY

A concurrent resolution directing the Legislative Council to conduct an interim study to examine the effectiveness of the state's disaster mitigation, preparedness, response, and recovery programs and to determine the feasibility of future legislation to better enable the state and its political subdivisions to meet all types of disasters and emergencies.

WHEREAS, it is recognized that the state's disaster emergency programs have functioned efficiently and effectively in meeting the challenges wrought by destructive acts of God and man; and

WHEREAS, rising costs and program requirements have affected the ability of state and local governments to handle an effective response and recovery effort in case of a disaster or emergency; and

WHEREAS, there may be a need for organizational changes within state and local governments to deal with pre- and post- disaster and emergency situations; and

WHEREAS, it may be necessary to establish building codes, stricter flood plain management, etc., to protect the public against natural and man-made disasters;

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

That the Legislative Council conduct an interim study to examine the organizational base and effectiveness of the state's disaster emergency programs, including, but not limited to, an examination of the need for strengthening the ability of state and local governments to mitigate, prepare for, respond to, and recover from all types of disaster and/or emergency situations; providing a full-time coordinator of disaster emergency preparedness, response, and recovery in each county or group of counties; strengthening the ability of state and local governments to fund their response and recovery efforts; granting authority to local officials to act in situations immediately preceding or following a disaster or emergency; and examining the feasibility for legislative action to establish building and/or construction codes, zoning, flood plain management, etc., to ensure our citizens quality of life and protect our environment and economic base.

Filed March 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4047  
(Senators Hoffner, Nething, Reiten)  
(Representatives Backes, Strinden)

## PRESS PRAISED AND EDITORS DAY DECLARED

A concurrent resolution offering a panegyric pronouncement on the press; declaring Thursday, February 15, 1979, as North Dakota Editors Day at the Forty-sixth Legislative Assembly; and welcoming Mr. Walter Ridder, a distinguished journalist and former national columnist, to North Dakota.

WHEREAS, despite the fact that as legislators we have all at times felt like Oscar Wilde who once said, "In the old days men had the rack. Now they have the press.", we nevertheless subscribe to the words of George Mason in the Virginia Bill of Rights: "The freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments."; and

WHEREAS, such paeans of praise are appropriate for members of North Dakota's distinguished Fourth Estate, the editors and reporters of the state's daily, semiweekly and weekly newspapers, who are dedicated to informing North Dakotans and thus serve a vital function in the democratic processes; and

WHEREAS, the North Dakota Legislative Assembly receives thorough and complete coverage by the news media which enables it to better fulfill its governmental duties for the citizens of North Dakota, and for which it is much appreciative; and

WHEREAS, the North Dakota Newspaper Association and the North Dakota Chapter of the Society of Professional Journalists - Sigma Delta Chi are cosponsoring the biennial Editors Day at the Legislature February 15, 1979; and

WHEREAS, the Editors Day banquet, to which all members of the Forty-sixth Legislative Assembly will be invited by the press from their respective districts, will feature as a speaker Mr. Walter Ridder, a veteran Washington correspondent for the Knight-Ridder News Service and for many years a national columnist of note;

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

That the Forty-sixth Legislative Assembly commends and congratulates North Dakota's sempiternally vigilant press through this encomium for its continuing service to all North Dakotans, and declares Thursday, February 15, 1979, as Editors Day at the Forty-sixth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Forty-sixth Legislative Assembly extends a sincere and hardy North Dakota welcome to Mr. Walter Ridder, and hopes that his stay in the state is pleasant and enjoyable; and

BE IT FURTHER RESOLVED, that each legislator make every effort to attend the Editors Day banquet at the invitation of the press or be prepared to put up with two years of having their names misspelled; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Mr. Walter Ridder, to Dr. Vernon Keel and Professor Al Austin at the University of North Dakota Journalism Department, and to Mr. Gene Carr of the North Dakota Newspaper Association.

Filed February 5, 1979

SENATE CONCURRENT RESOLUTION NO. 4048  
(Committee on Delayed Bills)  
(At the request of Senator Hanson)

## SORROW EXPRESSED AT DEAN HAZEN'S DEATH

A concurrent resolution expressing sorrow on the death of Arlon G. Hazen, former Dean of the College of Agriculture at North Dakota State University.

WHEREAS, Arlon G. Hazen was Dean of the College of Agriculture at North Dakota State University for 22 years and was recently named Dean Emeritus of the College of Agriculture; and

WHEREAS, Arlon G. Hazen, as Dean of the College of Agriculture, was Director of the Agricultural Experiment Station at Fargo and the seven branch experiment stations around the state; and

WHEREAS, Arlon G. Hazen was named Acting President of North Dakota State University from June 1961 until January 1962; and

WHEREAS, Arlon G. Hazen recently resigned his post at North Dakota State University to become Regional Director of the North Central Association of Agricultural Experiment Stations, one of four regional directors in the United States; and

WHEREAS, Arlon G. Hazen dedicated his career to acquiring and diffusing among the people of this state useful and practical information on subjects connected with agriculture, and to promoting scientific investigations and experiments representing the principles and practices of agricultural science; and

WHEREAS, Arlon G. Hazen worked for 32 years as part of the land-grant system to combine research, extension services, and on-campus education, with the ingenuity of the farmer, to make a truly significant contribution to the success of our American society;

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

That the members of the Forty-sixth Legislative Assembly officially express their sorrow at Arlon G. Hazen's death and convey their condolences to his family; and

BE IT FURTHER RESOLVED, that duly enrolled copies of this resolution be forwarded by the Secretary of State to members of Arlon G. Hazen's family.

Filed February 7, 1979

SENATE CONCURRENT RESOLUTION NO. 4049  
(Hanson, Fritzell, Lips, Reiten, Schirado)

## RESIDENTIAL DEVELOPMENT AND CITY INCORPORATION STUDY

A concurrent resolution directing a Legislative Council study of residential developments in rural areas near cities and the incorporation of cities.

WHEREAS, there has been a proliferation of residential developments in rural areas near cities in North Dakota in recent years; and

WHEREAS, the concentration of people outside of established cities creates problems in providing adequate police and fire protection, water and sewer systems, and other services; and

WHEREAS, several of these rural developments have been incorporated as cities in recent years; and

WHEREAS, under current laws established cities near these developments have no input into decisions to incorporate but are materially affected by the decisions; and

WHEREAS, newly incorporated cities encroach upon the zoning powers of existing cities, frequently do not fit into the master plans or growth patterns of existing cities, and have the potential of encircling established cities and stifling future growth and orderly planning; and

WHEREAS, there is a need to coordinate services and planning of various taxing districts, including cities, townships, school districts, and counties;

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 directed to conduct a study of the problems of residential developments in rural areas near established cities and the incorporation of cities, with emphasis on the effects of such developments and newly created cities on established cities and the need for planning and coordination related to police and fire protection, water and sewer systems, city

planning and zoning, schools, libraries, and other services, as well as the effects on the tax structures of all affected political subdivisions; and

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

Filed March 15, 1979

SENATE CONCURRENT RESOLUTION NO. 4050  
(Melland)

## SPECIAL FUNDS AND CASH ACCOUNTS STUDY

A concurrent resolution directing a Legislative Council study of the use of special funds and cash accounts maintained in the state treasury and of the state's accounting system.

WHEREAS, there are many special funds and cash accounts maintained in the state treasury, some of which may be available for such uses as the Legislative Assembly may designate; and

WHEREAS, in a period of declining state revenues it may be necessary to use the proceeds of these accounts to supplement general fund revenues; and

WHEREAS, significant changes are necessary to the state's current accounting system to provide useful and reliable information which is in conformity with generally accepted accounting principles; and

WHEREAS, the state's accounting system should provide for a complete accounting for total state financial resources;

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 directed to conduct a study of the cash accounts and special funds maintained in the state treasury to determine if such funds are necessary, whether they are making a maximum contribution to the state, and whether a portion or all of such funds can be deposited in the general fund of the state treasury; and

BE IT FURTHER RESOLVED, that the Legislative Council conduct a study of the state's accounting system to determine the changes necessary to provide for an accounting system that is in conformity with generally accepted accounting principles and provides for a comprehensive financial information system; and

BE IT FURTHER RESOLVED, that the Department of Accounts and Purchases and such other state agencies and institutions as the

Council may select shall provide such aid and assistance as the Council may request in conducting the study; and

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

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4052  
(Dotzenrod)

## NONPUBLIC SCHOOL AID STUDY

A concurrent resolution directing a Legislative Council study of state aid to nonpublic schools.

WHEREAS, nonpublic elementary and secondary schools have served to educate a substantial number of North Dakota citizens; and

WHEREAS, 10,150 students are now being educated in nonpublic elementary and secondary schools in North Dakota; 7,259 students in nonpublic elementary and 2,891 students in nonpublic secondary schools; and

WHEREAS, nonpublic elementary and secondary schools are, therefore, saving North Dakota taxpayers \$13,849,008.39 per year in operational expenses alone; and

WHEREAS, payments made to public school districts from the state tuition fund are based upon the number of students attending both public and nonpublic schools within the district and such payments were \$47.46 per student per year through May 1978; and

WHEREAS, the nonpublic schools of this state afford freedom of choice to the citizens of North Dakota; and

WHEREAS, Justice Powell of the United States Supreme Court has said:

"Parochial schools, quite apart from their sectarian purpose, have provided an educational alternative for millions of young Americans; they often afford wholesome competition with our public schools; and in some states they relieve substantially the tax burden incident to the operation of public schools. The state has, moreover, a legitimate interest in facilitating education of the highest quality for all children within its boundaries, whatever school their parents have chosen for 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 be directed to conduct a study on the feasibility and constitutionality of providing state aid for North Dakota students attending nonpublic elementary and secondary schools in the state; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4053  
(Senator Sandness)  
(Representative Eagles)

## POOR RELIEF RESIDENCY LAWS STUDY

A concurrent resolution requesting the Legislative Council to study the laws relating to residence for poor relief purposes, North Dakota Century Code chapters 50-01 and 50-02, and to determine the adequacy of the provisions of these chapters.

WHEREAS, chapters 50-01 and 50-02 of the North Dakota Century Code set forth the law relating to residency for poor relief purposes in North Dakota, many provisions of which were derived from the Dakota Territorial Code of 1877 and are now obsolete; and

WHEREAS, the United States Supreme Court has consistently struck down statutes which impose durational residency requirements as a condition for the receipt of public aid, holding such statutes violative of the Equal Protection Clause and therefore unconstitutional; and

WHEREAS, the many conflicting and contradictory provisions of chapter 50-02 give rise to otherwise avoidable litigation and strained interpretations of law; and

WHEREAS, the archaic residency statutes within chapter 50-02 result in costly and time consuming paper shuffling between county agencies and undue delay in the provision of vitally needed assistance to indigent persons and families; and

WHEREAS, there exists otherwise avoidable doubt and uncertainty in identifying responsibility for the county payment of general and public assistance among the fifty-three counties;

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 directed to make a comprehensive study of chapters 50-01 and 50-02 of the North Dakota Century Code relating to residence for poor relief purposes, such study to explore the adequacy and legal sufficiency of these chapters, and to examine the basis upon which the counties'

responsibility for the payment of general and public assistance is allocated among the several counties; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4055  
(Solberg)

## MOTOR VEHICLE REGISTRATION STUDY

A concurrent resolution directing the Legislative Council to study and review motor vehicle registration and title registration.

WHEREAS, Chapter 39-04 of the North Dakota Century Code, the motor vehicle registration chapter, is in need of substantial change in regard to application for registration; refusing, rescinding, or suspending registration; issuance of special plates; exemptions from registration; transfer of registration and number plates; display of number plates and tabs; credits for registration of destroyed vehicles; issuance of registration cards; and related matters concerning the administration of registration cards and number plates by the Motor Vehicle Department; and

WHEREAS, Chapter 39-05, the title registration chapter, is in need of substantial change in regard to definition of specific terms, application for certificate of title, exclusion from application for certificate of title, issuance of certificate of title, specialized certificates of title, and related matters concerning the administration of certificates of title by the motor vehicle department;

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 on motor vehicle registration and title registration in the state. The study shall give special emphasis to the process of applying for and receiving registration for motor vehicles, number plates, and tabs, including exemptions from registration; specialized registration; refusing registration; rescinding and suspending registration; penalties for altering or forging registration; display and contents of number plates and tabs; transfer of registration and number plates; credits for registration of destroyed vehicles; and related matters concerning the administration of registration cards and number plates by the Motor Vehicle Department. The study shall also give special emphasis to the process of applying for and receiving a certificate of title, including exclusions from the necessity of certificate of

title; the need for specialized certificates of title; the involvement and requirements of those holding security interests in motor vehicles; contents, delivery, and terms of certificates of title; and related matters concerning the administration of certificates of title by the Motor Vehicle Department; and

BE IT FURTHER RESOLVED, that the Legislative Council shall conduct the study with the cooperation and assistance of any state agency, political subdivision, or federal agency and any individual or business entity concerned with or having an interest in motor vehicle registration and title registration; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4056  
(Committee on Delayed Bills)  
(At the request of Senator Nething)

## YMCA MODEL LEGISLATURE PROGRAM SUPPORTED

A concurrent resolution expressing the support of the Forty-sixth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

WHEREAS, the first YMCA State Youth and Government Program was initiated in New York in 1936, and since that time 44 states have developed similar programs; and

WHEREAS, the purpose of the YMCA's model legislature program is to enhance development of the American democratic system by enabling young people to prepare for moral and political leadership through training in the theory and practice of determining public policy; and

WHEREAS, having such a program operational in a state can become a major vehicle to help young people to really know about and become interested in government and the citizen's role in it; and

WHEREAS, among the goals for youth involvement in such a program are the development of confidence in and dedication to the democratic process, the gaining of communications skills, the learning of accountability and respect for others' rights, and the application of moral and ethical valuation processes to public policymaking;

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

That the Forty-sixth Legislative Assembly express its support for the YMCA model state legislature to be held on Thursday through Sunday, April 26-29, 1979 at the State Capitol in Bismarck; and

BE IT FURTHER RESOLVED, that those members of the Senate and House who are requested to participate in the program make every effort to arrange their schedules to be able to do so, and that the staff of the Legislative Council and the Director of Institutions office render such reasonable assistance as may be necessary to make the program a success.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4057  
(Committee on Delayed Bills)  
(At the request of Senator Goodman)

## CARRYOVER BASIS RULES SUSPENSION URGED

A concurrent resolution urging the United States Congress to permanently suspend the carryover basis rules enacted under the 1976 Tax Reform Act and to restore the stepped-up basis rules applicable to the basis of property acquired from a decedent dying after 1976 to apply the same basis rules which were applicable prior to the 1976 Tax Reform Act.

WHEREAS, inflation rates during recent years have caused and are continuing to cause tremendous increases in real estate valuations, which valuations are substantially higher than would be indicated by the return that can be obtained from agricultural lands in North Dakota and agricultural lands in other states; and

WHEREAS, Congress in enactment of the 1976 Tax Reform Act provided certain tax relief applicable to farmers and land owned by farmers used for agricultural purposes and restructured the estate and gift tax rates providing for an increase in the size of the estate exemption from federal estate tax; and

WHEREAS, the result of the change from fresh start basis to carryover basis will result in a substantial increase in income taxes to estates and beneficiaries resulting in combined income taxes and estate taxes which may in many instances exceed the combined estate tax, gift tax and income tax prior to the 1976 Tax Reform Act; and

WHEREAS, the proposed rules for implementation of the carryover basis appear to be extremely complicated and difficult to implement and appear to create extreme difficulties in both compliance by affected taxpayers and administration by the Internal Revenue Service; and

WHEREAS, Congress has recognized many of these problems as evidenced by the postponement of the effective date of the carryover basis rules for three years so that they will apply only to property acquired from a decedent dying after 1979; and

WHEREAS, the Forty-sixth Legislative Assembly is aware of the tax burdens imposed upon agricultural lands in the form of estate and inheritance taxes as well as income taxes on the distribution of agricultural lands, and this Legislative Assembly is giving consideration to legislation that would substantially eliminate the North Dakota estate tax;

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

That the Forty-sixth Legislative Assembly urges the United States Congress to amend federal estate tax and income tax provisions to permanently restore the stepped-up basis of property acquired from a decedent so that the pre-1976 Tax Reform Act rules will be applicable; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Chairman of the United States Senate Committee on Finance and the chairmen of that committee's Subcommittees on Taxation and Debt Management Generally and Social Security; the Chairman of the United States House of Representatives Committee on Ways and Means and the chairmen of that committee's Subcommittees on Miscellaneous Revenue Measures and Social Security; to the North Dakota Congressional Delegation; the Chairmen of the Committees on Finance and Taxation or their equivalents in each legislative body in each of the other states; and to the Governors of each of the other states.

. Filed March 14, 1979

SENATE CONCURRENT RESOLUTION NO. 4058  
(Committee on Delayed Bills)  
(At the request of Senator Nething)

## AMTRAK SERVICE CONTINUATION URGED

A concurrent resolution urging Congress to take appropriate steps to ensure continued AMTRAK service and to provide for a review of AMTRAK service schedules to make the schedules more compatible with the needs of a majority of passengers.

WHEREAS, AMTRAK, the corporation designated by Congress to provide a minimum basic national rail passenger service, has scheduled drastic reductions in service to an extent which will destroy the purposes for which the 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 Congress is urged to take appropriate steps to ensure continued AMTRAK service on those routes in operation within the current basic system, and to authorize a review of AMTRAK service schedules so that the schedules may be made more compatible with the needs of a majority of the passengers using the service provided by those passenger trains operating within the basic system; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the president of AMTRAK, the Secretary of the United States Senate, the Chief Clerk of the United States House of Representatives, to each member of the North Dakota Congressional Delegation, the Secretary of the Department of Transportation, and to the North Dakota Public Service Commission.

Filed March 22, 1979

SENATE CONCURRENT RESOLUTION NO. 4059  
(Lips)

## STATE EMPLOYEES RETIREMENT STUDY

A concurrent resolution directing the Legislative Council to study state employees retirement.

WHEREAS, the Legislative Assembly recognizes a continuing responsibility to provide state employees with efficient, responsive retirement programs providing the greatest retirement benefits possible on an actuarially sound basis; and

WHEREAS, several aspects of state employees' retirement could properly be addressed through a comprehensive interim study;

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 directed to conduct a study of state employees retirement, particularly with respect to the possibility of:

1. Raising the Public Employees Retirement System benefit formula multiplier.
2. Removing the 30-year maximum service limitation under the Public Employees Retirement System.
3. Allowing employees to obtain a vested interest in their employer's contribution toward their retirement.
4. Reducing from ten years to five years the length of service necessary to qualify for disability benefits.
5. Crediting accumulated sick leave as additional years of service for retirement or as an adjustment in the benefit formula; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4060  
(Sandness)

## COMMUNITY PLACEMENT PROGRAM STUDY

A concurrent resolution directing a Legislative Council study of the community placement program at the Grafton State School.

WHEREAS, Section 25-04-13.1 of the North Dakota Century Code provides for the relinquishing of guardianship by parents or responsible relatives of residents at the Grafton State School, including its division located at the San Haven State Hospital, and further provides that after such relinquishing of guardianship by parents or responsible relatives the superintendent of the Grafton State School is statutorily given guardianship over such residents; and

WHEREAS, it is professionally and legally required to place residents of the Grafton State School into community programs; and

WHEREAS, federal and state regulations require, for certain Grafton State School residents, the appointment of surrogate parents and, as such parent cannot be an employee from the agency providing services, this requirement tends to cloud the role and purpose of guardianship; and

WHEREAS, public and private community agencies do not seem to have authority to provide the needed guardianship nor any other form of legal supervision which may be required for successful community placement of the residents of the Grafton State School and said community agencies are therefore reluctant to have the Grafton State School discharge these residents; and

WHEREAS, Section 25-14-08 of the North Dakota Century Code seems to require a discharge of a Grafton State School resident who is placed in a community program; and

WHEREAS, several governmental agencies are involved in community programs for Grafton State School residents which include social services, vocational rehabilitation, public instruction, health, and other state and local entities, such as law enforcement units, charitable endeavors, private organizations and facilities, parent groups and advocacy services, and with this array of private

and public functionaries it is difficult to determine the role and responsibility of each as it relates to guardianship and no one seems to be clearly designated to take the required legal authority over the resident on community placement; and

WHEREAS, the obscure roles of these community service providers as it relates to guardianship is a direct hindrance in the legally required expansion of this program of deinstitutionalization;

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 conduct a study of the Grafton State School program relating to community placements and the role and responsibility of the private and public organizations providing services to Grafton State School residents on community placement and determine what provisions are needed in the area of guardianship; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4062  
(Committee on Delayed Bills)  
(At the request of Senator Nething)

NATIONAL SCIENCE FOUNDATION PROGRAM  
PARTICIPATION URGED

A concurrent resolution urging the State Board of Higher Education and the state educational institutions under its control and administration to participate in programs sponsored by the National Science Foundation.

WHEREAS, science and technology are of increasing import to North Dakota; and

WHEREAS, basic research is the foundation of scientific and technical competence in North Dakota; and

WHEREAS, it is necessary to periodically evaluate and assess the level and quality of scientific research within the state and its educational institutions; and

WHEREAS, the National Science Foundation supports scientific research and education projects in the mathematical, physical, environmental, biological, social, behavioral, and engineering sciences; and

WHEREAS, the purposes of the National Science Foundation are to increase the nation's base of scientific knowledge and strengthen its ability to conduct scientific research; encourage research in areas that can lead to improvements and economic growth, energy supply and use, productivity, and environmental quality; promote international cooperation through science; and develop and help implement science education programs that can better prepare the nation for meeting the challenges of the decades ahead; and

WHEREAS, in its role as a leading federal supporter of science, the National Science Foundation also has an important role in national science policy planning;

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

That the Forty-sixth Legislative Assembly of the State of North Dakota encourages and urges the State Board of Higher

Education and the state educational institutions under its control and administration to participate in National Science Foundation-sponsored programs so that the level of scientific research in the state may be evaluated and steps be proposed to increase the level and quality of scientific research in the state; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the State Board of Higher Education and to the director of the National Science Foundation.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4063  
(Senators Hoffner, Wright)  
(Representatives Langley, Peltier, Vander Vorst)

## FARMERS HOME ADMINISTRATION STUDY

A concurrent resolution directing a Legislative Council study of the local delivery of programs by the Farmers Home Administration.

WHEREAS, the Farmers Home Administration is the largest rural development agency in the United States Department of Agriculture; and

WHEREAS, the Farmers Home Administration delivers 34 rural oriented programs, including loans for low income farmers and assistance with community facilities, business and industry, water and sewer systems, and industrial development; and

WHEREAS, executive branch reorganization studies have recommended several options for reorganizing the Farmers Home Administration, including consolidation of community, housing, and economic development from several federal agencies into a new super department of community and economic development and consolidating economic development programs into a new economic development agency; and

WHEREAS, these options for creating new federal agencies have delivery points only at regional and state levels; and

WHEREAS, these options will consolidate Farmers Home Administration programs at the expense of the rural states and will result in 48 county offices being closed in North Dakota; and

WHEREAS, Farmers Home Administration services should be maintained and provided in a manner to encourage service at the state, substate, and county levels to preserve the local approach to rural problems addressed by the Farmers Home Administration; and

WHEREAS, nonmetropolitan areas need a single federal system for delivering core community development assistance that will provide funds directly, uniformly, and efficiently, and will take into consideration the conditions and priorities found in such areas; and

WHEREAS, the Farmers Home Administration delivery system is largely in place and has demonstrated its capacity over the years by handling an ever-increasing caseload without a parallel increase in permanent personnel numbers, with program administration being efficient, free of scandal, and relatively responsive and free of red tape;

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

That the Legislative Council conduct a study to carefully review the options for government reorganization of the Farmers Home Administration to ensure the retention of a system whereby the programs delivered by the Farmers Home Administration would continue to be delivered on a local level in recognition of the unique problems of rural communities and areas; and

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

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4065  
(Hoffner)

## HIGHER EDUCATION COST INFORMATION SYSTEMS STUDY

A concurrent resolution directing the Legislative Council to study cost information systems at institutions of higher education.

WHEREAS, a number of institutions of higher education have conducted pilot projects relating to, or have implemented, cost information systems; and

WHEREAS, the institutions of higher education are installing a comprehensive accounting system to provide detailed information regarding the cost of educational programs; and

WHEREAS, information from this cost accounting system will be of assistance to the Legislative Assembly in evaluating the needs of higher education; and

WHEREAS, information generated from this system can assist the Legislative Assembly as it evaluates the budget formula and can provide a basis to improve it;

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 results of institutions of higher education pilot projects relating to detailed cost information systems; and

BE IT FURTHER RESOLVED, that the Legislative Council be provided information resulting from the use and application of such systems at the state colleges and universities; and

BE IT FURTHER RESOLVED, that the institutions of higher education and the board of higher education office provide such information and assistance as may be requested by the committee in its study of cost information systems; and

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

Filed March 21, 1979

SENATE CONCURRENT RESOLUTION NO. 4067  
(Jacobson)

## RECLAMATION LAW ADEQUACY STUDY

A concurrent resolution directing the Legislative Council to conduct an interim study to consider the adequacy and sufficiency of the state's surface mining and reclamation laws to enable the state to secure an approved state regulatory program under the Surface Mining Control and Reclamation Act of 1977.

WHEREAS, Congress has passed and the President has signed the Surface Mining Control and Reclamation Act of 1977 [Pub. L. 95-87, 30 U.S.C. 1201, et seq.] which law became effective August 3, 1977; and

WHEREAS, the State of North Dakota has until August 3, 1979, to enact legislation which will place the state in compliance with the requirements of the federal Act and enable the state to continue state control of surface mining and reclamation on all lands within the state; and

WHEREAS, the Forty-sixth Legislative Assembly is considering a legislative package which is considered to be in compliance with the federal requirements, but because of the failure of the Department of Interior, through the Office of Surface Mining, to promulgate and publish final permanent program regulations, the legislature is unable to determine whether or not the legislative package is in fact adequate for all purposes under the federal laws and regulations; and

WHEREAS, if the state does not have an approved state program on or before June 3, 1980, the federal Act mandates the implementation of a federal program in the state which will preempt all state statutes which are not more stringent than the federal law; and

WHEREAS, the federal regulations now being considered would allow the Secretary of the Interior to conditionally approve a state program where the program is found to have minor deficiencies, provided:

1. The deficiencies are of such size and nature so as to render no part of a proposed state program incomplete;
2. The state has initiated and is actively proceeding with steps to correct the deficiencies;
3. The state agrees in writing to correct such deficiencies within a time established by the secretary and stated in the conditional approval; and
4. The conditionally approved state program shall be terminated if the deficiencies have not been corrected by the date set forth in the secretary's decision.

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 an interim study to determine the adequacy and sufficiency of the state's surface mining and reclamation laws to enable the state to secure an approved state regulatory program under the Surface Mining Control and Reclamation Act of 1977; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4068  
(Senators Holmberg, Solberg, Strand)  
(Representatives Strinden, Fleming, Kelly)

## RECIPROCITY AGREEMENTS STUDY

A concurrent resolution directing a Legislative Council study of reciprocity agreements for students enrolled in out-of-state vocational and professional education programs.

WHEREAS, presently a large number of students are enrolled in postsecondary vocational education programs throughout the state; and

WHEREAS, the cost of postsecondary education programs, including vocational and professional education, is increasing; and

WHEREAS, contract agreements in higher education for professional education programs presently exist between the state of North Dakota and others; and

WHEREAS, the State of Minnesota has entered into reciprocal agreements with the State of Wisconsin for vocational education programs in area vocational technical institutes;

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 conduct a study regarding the feasibility of reciprocity arrangements for North Dakota students enrolled in postsecondary vocational education programs in states other than North Dakota and review the existing contract programs for veterinary medicine, optometry and dentistry; and

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

Filed March 21, 1979

SENATE CONCURRENT RESOLUTION NO. 4069  
(Sands)

## GARNISHMENT REVISION STUDY

A concurrent resolution directing a Legislative Council study of the feasibility and benefits of revising chapter 32-09 of the North Dakota Century Code, dealing with garnishment.

WHEREAS, there have been significant mandates from federal courts and the United States Supreme Court regarding garnishment proceedings in recent years; and

WHEREAS, there has been no comprehensive study of North Dakota's garnishment laws to bring them into compliance with these federal mandates; and

WHEREAS, North Dakota's garnishment law has proven to be difficult to work with for creditors, debtors and employers; and

WHEREAS, any revision of the garnishment law would affect creditors, debtors, employers, attorneys, the judiciary, sheriffs and others; and

WHEREAS, North Dakota's garnishment law is a complex area of law requiring a background study and technical assistance for effective revision;

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 a study of the feasibility and benefits of revising or repealing chapter 32-09 of the North Dakota Century Code, dealing with garnishment; and

BE IT FURTHER RESOLVED, that the Legislative Council may seek the aid and assistance of public officials, interested citizens and such other persons as it may deem necessary to assist in its study; and

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

Filed March 21, 1979

SENATE CONCURRENT RESOLUTION NO. 4071  
(Nething, Hoffner)

## LEGISLATIVE RULES STUDY

A concurrent resolution directing the Legislative Council to study legislative rules.

WHEREAS, the Legislative Assembly operates under rules established pursuant to the authority of Section 48 of the Constitution of the State of North Dakota; and

WHEREAS, through the years both the Senate and the House of Representatives have adopted many rules which differ from those adopted by the other house; and

WHEREAS, the rules of procedure are in need of a constant review and updating to permit the Legislative Assembly to perform its duties in the most efficient and effective manner;

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 directed to study the legislative rules, including the Senate Rules, House Rules, and Joint Rules, with emphasis upon finding methods of improving the legislative process, including the deletion of obsolete provisions and the giving of special attention to those rules in the two houses which differ; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation or rules proposals, to the Forty-seventh Legislative Assembly.

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4072  
(Melland)

## GENERAL FUND REVENUES AND EXPENDITURES STUDY

A concurrent resolution directing the Legislative Council to conduct a study of general fund revenues and expenditures during the next biennium.

WHEREAS, a continuing analysis and review of the general fund cash flow is necessary during a period of expected lower general fund balances; and

WHEREAS, significant changes have been made to state sales and income tax rates which have affected general fund revenue estimates; and

WHEREAS, the annual rate of inflation is expected to be at least seven percent during the next biennium; and

WHEREAS, energy costs at state institutions are increasing significantly; and

WHEREAS, the Budget Section of the Legislative Council should be informed of any major budgetary problems incurred by state agencies and institutions during the interim so that early action can be taken by the Forty-seventh Legislative Assembly in response to these problems;

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 review and analyze the state budget and expenditures by state agencies and institutions during the biennium beginning July 1, 1979, and ending June 30, 1981, with special emphasis being given to categories of expenditures subject to high inflationary rates, such as energy costs; to review and analyze the cash balance in the state general fund at various times during the biennium; and to analyze general fund revenue collections during the next biennium and estimates, from any source, of general fund revenues for the 1981-83 biennium; and

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

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4074  
(Nething, Melland)

STATE EMPLOYEES COMPENSATION AND  
PERKS STUDY

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 a high level of retention of state employees; and

WHEREAS, this level of retention has resulted in a cost efficient system of government service and has resulted in high levels of performance and service; and

WHEREAS, present state fringe benefits are believed to be highly competitive with the present fringe benefits given employees in the private sector; and

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

WHEREAS, it is the intent of the Legislative Assembly that state employment continue to be a favorable alternative to employment in 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 the study the Council may consult with the Central Personnel Division of the Department of Accounts and Purchases, the State Public Employees Retirement Board, and all recognized state employee associations; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4075  
(Melland)

## SPECIAL EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study the organization and financing of special education.

WHEREAS, Public Law 94-142, the Education for all Handicapped Children Act of 1975, requires that all handicapped children have available to them a free appropriate public education; and

WHEREAS, the people of North Dakota intend to provide the best possible educational opportunities for those pupils in need of special education services within the limitations of available resources; and

WHEREAS, the appropriations for special education have increased from just over \$1 million for the 1969-71 biennium to over \$10 million in the current biennium, and the requested appropriation for the 1979-81 biennium is nearly \$12 million; and

WHEREAS, there are many unanswered questions concerning the requirements of Public Law 94-142, including the long-range impact of this legislation on the school districts and institutions in this state; and

WHEREAS, there is a need to determine the proper relationships for delivery of special education services as between and among local school districts, the Superintendent of Public Instruction, and state institutions;

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 the assistance of the Superintendent of Public Instruction, is hereby directed to study the organization and financing of special education in North Dakota, including the requirements of Public Law 94-142, the long-range impact of special education legislation on general fund appropriations as well as on the school districts and institutions in this state, and the relationships for delivery of special education services of various state and local governmental entities; and

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

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4076  
(Lashkowitz)

## FAMILY LAW AND DOMESTIC RELATIONS STUDY

A concurrent resolution directing the Legislative Council to study the procedures involved in family law and other related domestic relations matters.

WHEREAS, the number of marriages which result in divorce is rapidly increasing; and

WHEREAS, the rise in the divorce rate results in a corresponding rise in the number of children living in single-parent homes; and

WHEREAS, the traditional roles of men and women are modifying; and

WHEREAS, the children of divorced parents have the same right as other children to free access to the love and companionship of both parents; and

WHEREAS, economics and employment are no longer necessarily sex orientated; and

WHEREAS, following a divorce, both parents have a similar right to the love and companionship of their children and to share in the joys and responsibilities involved in the raising of their children; and

WHEREAS, current procedures involved in the awarding of custody and the division of property following a divorce do not always adequately protect the rights and interests of the parents or the children, nor do they assure adequate visitation rights to the noncustodial parent; and

WHEREAS, the proceedings to modify custody and support decrees under the present laws are slow and costly for both parents and also put a heavy burden on the courts;

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 present statutes governing family law and other domestic relations issues and consider alternative approaches which will more adequately and efficiently protect the rights of all parties involved and that the study committee shall include citizen representation, a juvenile court counselor, a mental health family counselor, and other specialists in human behavior; and

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

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4078  
(Albers, Thane)

## EMINENT DOMAIN PROCEDURES STUDY

A concurrent resolution directing the Legislative Council to study eminent domain procedures for condemnation of land acquired for public use, and relocation assistance.

WHEREAS, state condemnation procedures do not require a negotiating period; and

WHEREAS, even after negotiations take place, the owner of the condemned land sometimes has no reference or assistance in ascertaining the value of the property; and

WHEREAS, the landowner of the condemned land often loses unique and valuable property to the condemning agency without replacement; and

WHEREAS, the tax consequences of the sale of property remaining after the acquisition of the condemned portion can cause adverse tax consequences to the landowner; and

WHEREAS, the Model Relocation Assistance Act, Chapter 54-01.1, provides assistance payments which are inadequate to provide for moving and related expenses;

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 directed to study eminent domain procedures in the condemnation of land that is to be acquired for public use by the state, any agency or political subdivision thereof, or any person or the person's agents, acquiring land for public use, including public and private utilities, the State Highway Department, and acquisitions of fish and wildlife mitigation acres. The study shall emphasize consideration of the feasibility of negotiations prior to condemnation proceedings or actions, appraisal of the property to be acquired by qualified and disinterested persons, replacement of acquired property, the consequences of capital gains tax on the sale of remaining property,

the practice of transferring land acquired by eminent domain, and the adequacy of relocation assistance; and

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

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4079  
(Jacobson, Roen)

## SEVERED MINERAL INTERESTS STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the legal methods for discovering and categorizing severed mineral interests and to develop a pilot project to identify mineral interests in a particular township.

WHEREAS, many mineral rights have been sold and are owned by persons not owning the surface rights to land; and

WHEREAS, through further sale and subdividing of interests, and through the inheritance of mineral rights by numerous heirs, severed mineral rights have, in many cases, been divided into minute fractional interests; and

WHEREAS, in many cases severed mineral interests have, for practical purposes, been abandoned as worthless or not of sufficient value; and

WHEREAS, severed mineral interests are not now assessed and taxed under laws relating to the ad valorem system of taxing property because of the cost of determining ownership and the cost of assessment, collection, and foreclosure; and

WHEREAS, wide dispersion of severed mineral interests increase the costs of abstract preparation; and

WHEREAS, title to abandoned severed mineral interests should be legally acquired by the state or its political subdivisions so that such property may be resold to surface owners or other interested purchasers and thereby returned to valuable use; and

WHEREAS, a thorough study should be made of feasible methods to discover and categorize severed mineral interests prior to legislative action; and

WHEREAS, there may be means of developing feasible data processing systems to carry out a pilot project to identify mineral interests in a particular township to serve as a pilot project for future use;

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 directed to conduct a study of feasible methods for discovering and categorizing severed mineral interests, including a study of the legality of the state taking severed mineral interests not identified by the owners. The Legislative Council is also directed to establish a pilot project to identify mineral interests in a particular township, designated by the Council or the committee conducting the study; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with legislation required to implement the recommendations, to the Forty-seventh Legislative Assembly.

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4080  
(Committee on Delayed Bills)  
(At the request of Senator Shablow)

## GASOHOL MANUFACTURE AND AND MARKETING URGED

A concurrent resolution urging the United States Department of Agriculture, the United States Department of Commerce, the United States Department of Energy, the United States Department of Transportation, and the Small Business Administration to assist and encourage the manufacture and marketing of gasohol; and urging Congress to consider any requests for funds to support any related programs.

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

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

WHEREAS, the United States presently relies upon the nonrenewable organic energy sources which are being depleted, resulting in an energy crisis; and

WHEREAS, due to recent events in Iran, a major oil-exporting nation, the energy crisis in the United States is expected to worsen; and

WHEREAS, research has determined that gasohol, which is a mixture of gasoline and either ethanol or methanol, is a competitive, practical, renewable energy source; and

WHEREAS, ethanol may be produced from grain and other agricultural products, including distressed grain which would otherwise go to waste; and

WHEREAS, methanol may be produced from coal and other biomass substances, including many municipal, agricultural, and forest waste products; and

WHEREAS, the fermentation process used in producing ethanol results in high protein food supplement byproducts for cattle and human consumption; and

WHEREAS, research has indicated that the use of gasohol may effectively reduce the consumption of lead as a result of atmospheric contamination caused by automobile exhausts, thereby benefiting the health of the American people and lessening environmental pollution; and

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

WHEREAS, it is also in the national interest to promote the maximum utilization of more abundant energy sources such as coal, thereby lessening the effects of present and future shortages of petroleum fuels;

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

That the United States Department of Agriculture, the United States Department of Commerce, the United States Department of Energy, the United States Department of Transportation, and the Small Business Administration are hereby urged to assist and encourage the development of procedures for the manufacturing and marketing of gasohol and its components, ethanol and methanol; and

BE IT FURTHER RESOLVED, that the Congress of the United States is hereby urged to give due consideration to any requests the executive departments may make for funds to support any activities related to the development of the successful manufacturing and marketing of gasohol; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Secretary of Transportation, the administrator of the Small Business Administration, and the North Dakota Congressional Delegation.

Filed March 26, 1979

SENATE CONCURRENT RESOLUTION NO. 4081  
(Committee on Delayed Bills)  
(At the request of Senators Lodoen,  
Hanson, Olin, Peterson, Wenstrom)

## NATIONAL HIGH SCHOOL RODEO WEEK PROCLAIMED

A concurrent resolution to proclaim the week of July 30, 1979, through August 5, 1979, as National High School Rodeo Week in the State of North Dakota.

WHEREAS, North Dakota will be hosting the National High School Rodeo Finals, on their thirty-second anniversary, on July 30, 1979, through August 5, 1979, at the Red River Valley Fairgrounds in West Fargo, North Dakota; and

WHEREAS, the said National High School Rodeo Finals are being brought to North Dakota by the Fargo Chamber of Commerce, Fargo, North Dakota; and

WHEREAS, National High School Rodeo contestants must maintain grades and conduct that meet qualifications of the state athletic association of their state, and are the epitome of American youth; and

WHEREAS, the National High School Rodeo consists of over 1,200 young persons of high school age from 30 states and two Canadian provinces who bring with them an average of three and one-half persons to the National Finals; and

WHEREAS, the National High School Rodeo Finals offer the unique opportunity for those attending to observe three rodeo arenas in progress at the same time; and

WHEREAS, this event will bring an influx of approximately 65,000 persons during the week prior to, the week of, and the week after July 30, 1979, through August 5, 1979, traveling and staying 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 State of North Dakota proclaim July 30, 1979, through August 5, 1979, as National High School Rodeo Week in the State of North Dakota.

Filed March 5, 1979

## SENATE CONCURRENT RESOLUTION NO. 4082

(Committee on Delayed Bills)

(At the request of Senators Nething and Hoffner and  
Representatives Strinden and Backes)**LEGISLATIVE INTERNSHIP PROGRAM  
VALUE RECOGNIZED**

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 in 1969; and

WHEREAS, the Forty-sixth Legislative Assembly continues to participate in this academic program whereby 18 outstanding young undergraduate, graduate, and law students were selected by their parent institution to serve the political party caucuses, the standing committees of the House and Senate, 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 young undergraduate, graduate, and law students to observe the legislative process, as well as the opportunity for the political party caucuses, the standing committees of the Senate and the 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-sixth 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 political party 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 service performed by Steve Becker, Bonnie Buckeye, Mary Beth Bultema, Bruce Eckre, Bryan Giese, John Hertsgaard, Douglas Johnson, Kevin Korsmo, Mark Larson, Timothy Lenz, Thomas

McShane, Owen Mehrer, George Sinner, Karla Spitzer, William Strate, Lynne Thomas, Jo Wheeler, and Frank Wikenheiser as legislative interns for the Forty-sixth Legislative Assembly is 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 the Senate to the presidents of the parent institutions, to the appropriate deans, chairmen of the appropriate departments, and to each of the 18 legislative interns.

Filed March 9, 1979

SENATE CONCURRENT RESOLUTION NO. 4083  
(Committee on Delayed Bills)  
(At the request of Senator Orange and  
Representatives Pomeroy and Stenehjem)

## UND HOCKEY TEAM CONGRATULATED

A concurrent resolution congratulating the University of North Dakota hockey team and its coach John Gasparini on the team's outstanding 1978-79 season.

WHEREAS, the University of North Dakota Sioux hockey team has completed an outstanding regular season with a 22-10 record in the Western Collegiate Hockey Association and a 26-10 overall record; and

WHEREAS, the UND Sioux were ranked number one in the nation in college hockey for the last four weeks of the regular season; and

WHEREAS, in the last game of regular season play the UND Sioux defeated the University of Minnesota Gophers by a score of 4-2, thereby securing the Western Collegiate Hockey Association championship; and

WHEREAS, this marks the first WCHA title won by the Sioux in 12 years; and

WHEREAS, this remarkable record was compiled by the Sioux in John "Gino" Gasparini's first year as head coach of the Sioux hockey team; and

WHEREAS, this marks the second WCHA championship team for John Gasparini, who played center on the 1966-67 Sioux championship team; and

WHEREAS, the UND Sioux will participate as the top-ranked team based on final league standings in the WCHA playoffs to determine which teams will advance to the national tournament;

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

That the Forty-sixth Legislative Assembly of the State of North Dakota hereby extends its heartiest congratulations to the

University of North Dakota Sioux 1978-79 hockey team and its coach, John Gasparini, for its outstanding season, including the WCHA championship and its top national ranking in college hockey; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to UND President Thomas Clifford, to UND Athletic Director Carl Miller, and to UND hockey coach John "Gino" Gasparini.

Filed March 9, 1979

## SENATE CONCURRENT RESOLUTION NO. 4084

(Committee on Delayed Bills)

(At the request of

Senator Strinden and Representatives Berge and F. Larson)

**VALLEY CITY STATE COLLEGE WRESTLER  
CONGRATULATED**

A concurrent resolution congratulating Tony Huck of Valley City State College on winning the 1979 National Association of Intercollegiate Athletics national wrestling championship in the 190 pound division.

WHEREAS, Tony Huck, a junior at Valley City State College, from New Salem, North Dakota, was a two-time state high school champion and had a 26-0 record this year; and

WHEREAS, he won the Yankton tournament, the Minnesota-Morris tournament, at which he was the tournament's outstanding wrestler, and the North Dakota College Athletic Conference for the second time at 190 pounds; and

WHEREAS, he is the first national champion from Valley City State College and only the second national champion ever from the North Dakota College Athletic Conference;

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

That the Forty-sixth Legislative Assembly extends congratulations to Tony Huck on winning the 1979 National Association of Intercollegiate Athletics national wrestling championship in the 190 pound division; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Tony Huck, his parents, Mr. and Mrs. Ed Huck of New Salem, North Dakota, and to Valley City State College.

Filed March 19, 1979

SENATE CONCURRENT RESOLUTION NO. 4085  
(Committee on Delayed Bills)  
(At the request of Senators Hoffner, Nething)  
(Representatives Backes, Strinden)

## GARRISON DIVERSION OVERVIEW COMMITTEE STUDY

A concurrent resolution directing the Garrison Diversion Overview Committee to conduct a study of the Garrison Diversion Project and its present and potential effects on North Dakota, which study is to emphasize the problems concerning the acquisition of fish and wildlife mitigation and enhancement acreage and the feasibility of constructing a pipeline to deliver municipal and industrial water to users.

WHEREAS, Senate Concurrent Resolution No. 4005, as introduced in the Forty-sixth Legislative Assembly, will reauthorize the existence of the Garrison Diversion Overview Committee through April 30, 1981, upon its approval by the Forty-sixth Legislative Assembly; and

WHEREAS, Senate Concurrent Resolution No. 4005 charges the committee with the responsibility of legislative overview of the Garrison Diversion Project; and

WHEREAS, the Congress of the United States authorized the dedication of 146,530 acres of private and public land for fish and wildlife mitigation and enhancement purposes in connection with the Garrison Diversion Unit; and

WHEREAS, the authorized plan and master contract of the Garrison Diversion Unit identify the land areas proposed for fish and wildlife development; and

WHEREAS, North Dakota has dedicated approximately 84,000 acres of public land for the development of recreation areas and the mitigation and enhancement of fish and wildlife habitat for purposes of meeting obligations toward the construction of the Garrison Diversion Unit; and

WHEREAS, the authorized plan of the Garrison Diversion Unit recognizes and credits toward the mitigation and enhancement of fish and wildlife approximately 28,000 acres of principal supply works land area; and

WHEREAS, the fish and wildlife service has failed to present to the state a formal plan for the development of these authorized and identified land areas; and

WHEREAS, North Dakota has given dearly in productive lands for Oahe and Garrison reservoirs; and

WHEREAS, North Dakota has also given dearly in easements and fee title lands for fish and wildlife acquisitions; and

WHEREAS, vague proposals and concepts publicized by the fish and wildlife service have resulted in creating uncertainty and confusion among landowners; and

WHEREAS, regulation of usage of fish and wildlife acreage is so restricted as to limit economic growth or increase governmental and private cost horrendously; and

WHEREAS, scattered tracts of wildlife habitat have very serious economic consequences to surrounding croplands due to bird depredation, weeds, and game damage; and

WHEREAS, a number of alternatives to the authorized plan have been discussed which would alter the number of acres required for fish and wildlife mitigation; and

WHEREAS, several of these plans may also affect the availability of municipal and industrial water to a number of areas;

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

That the Garrison Diversion Overview Committee, as authorized by Senate Concurrent Resolution No. 4005, is hereby directed to study the Garrison Diversion Project and its present and potential effects on North Dakota to determine what, if any, changes may be necessary in the amount of land required for mitigation and enhancement of recreation, fish and wildlife, the method used to identify the lands required, and the manner in which lands are credited toward the required acreage; and

BE IT FURTHER RESOLVED, that the study include the feasibility and desirability of constructing a pipeline system for the delivery of municipal, industrial, and irrigation water; and

BE IT FURTHER RESOLVED, that the committee provide for citizen input in a manner and to the extent it deems appropriate; and

BE IT FURTHER RESOLVED, that the committee report its findings and recommendations, together with any legislation required to implement the recommendations, to the Forty-seventh Legislative Assembly.

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4086  
(Committee on Delayed Bills)

## COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the House and Senate.

WHEREAS, after termination of the Forty-sixth Legislative Assembly a complete record with index of the House and Senate journals must be prepared;

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

That Roy Gilbreath, Chief Clerk of the House, and Leo Leidholm, Secretary of the Senate, are hereby authorized and employed to compare and index the journals of the Forty-sixth Legislative Assembly, and the said Roy Gilbreath and Leo Leidholm are hereby directed to arrange for and procure sufficient assistance to ensure that the said work shall be completed within thirty days after the close of the session; and

BE IT FURTHER RESOLVED, that for the expenses of the said Roy Gilbreath and Leo Leidholm, as above set forth, there shall be allowed the sum of \$3,000.00 each, which shall include compensation for any assistance deemed necessary by them, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said Roy Gilbreath and Leo Leidholm showing completion of such work.

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4087  
(Committee on Delayed Bills)  
(At the request of Senator Thane)

## STATE REIMBURSEMENT FOR FEDERAL PROGRAM COST URGED

A concurrent resolution urging the President and the Congress of the United States to undertake the necessary actions to provide for the reimbursement of the states by the federal government for all costs incurred in implementing new or expanded federal programs.

WHEREAS, the federal government of the United States, by actions of both the legislative branch and the executive branch, frequently requires the states to implement new programs and provide increased levels of service under existing programs; and

WHEREAS, in order to implement new programs and provide increased levels of service as required by the federal government, the states must incur significant costs which must be paid for out of state revenues, existing or to be raised by the imposition of additional taxes; and

WHEREAS, there exists throughout the United States and North Dakota a growing resentment of the heavy burden of taxation and an active rejection of existing and proposed levels and methods of revenue raising; and

WHEREAS, the public outcry against taxation makes it increasingly difficult for the states to raise the revenues necessary to finance the programs and services which the states are required to provide by the federal government; and

WHEREAS, it is a matter of simple equity that a level of government which establishes programs or services in the public interest should provide the means for financing those programs and services;

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

That the Forty-sixth Legislative Assembly respectfully urges the President and the Congress of the United States to undertake such actions as may be necessary to ensure that the federal

government reimburses each state for all costs incurred with respect to implementing new programs or providing increased levels of service under existing programs pursuant to any law enacted by the United States Congress after July 1, 1980, or any executive order or regulation issued by the President of the United States after January 1, 1980; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the North Dakota Congressional Delegation.

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4088  
(Committee on Delayed Bills)  
(At the request of Senator Lashkowitz)

## CHILD CUSTODY AND VISITATION RIGHTS STUDY

A concurrent resolution directing the Legislative Council to study the rights of children in custody and divorce proceedings.

WHEREAS, 1979 has been proclaimed the International Year of the Child by the United Nations, by President Jimmy Carter, and by Governor Arthur Link; and

WHEREAS, the United States Supreme Court has held that children have rights which must be protected, and the states are increasingly recognizing the rights of the children in divorce and custody proceedings; and

WHEREAS, the children of this state, as well as those of the several states, have the following inalienable rights:

1. The right to be treated as an interested and affected person and not as a pawn or chattel of either or both parents.
2. The right to that home environment which will best guarantee an opportunity to grow to mature and responsible citizenship.
3. The right to the privilege and benefits of being a United States resident and citizen.
4. The right to the day-by-day love, care, discipline and protection of the parent having custody.
5. The right to know the noncustodial parent and to have the benefit of that parent's love and guidance through adequate visitation.
6. The right to a positive and constructive relationship with both parents, with neither to be permitted to degrade the other in the mind of the child.

7. The right to the most adequate level of economic support that can be provided by the best efforts of both parents.
8. The right to the same opportunities for education that the child would have if the family unit were not broken.
9. The right to periodic review of custodial arrangements and child-support orders as the circumstances may require.
10. The right to recognition that children involved in a divorce or custody proceedings are disadvantaged parties and that the law must take affirmative steps to protect their welfare and security including, where indicated, a social investigation to determine their interests and the appointment of a guardian ad litem and/or attorney to protect their interests.
11. The right to have the benefits of all the aforementioned, instead of subjecting the child to unknown circumstances and surroundings where these basic rights cannot be guaranteed.

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 present procedures involved in the awarding of custody and visitation rights and related domestic relations issues and consider alternative approaches which will more adequately and efficiently protect the rights of children, who are frequently the real victims of domestic discord; and

BE IT FURTHER RESOLVED, that the study committee shall include citizen representation, a juvenile court counselor, a mental health family counselor, and other specialists in human behavior; and

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

Filed April 3, 1979

SENATE CONCURRENT RESOLUTION NO. 4089  
(Committee on Delayed Bills)  
(At the request of Senators Sands and Holmberg)

## JUDICIAL SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the state's judicial system.

WHEREAS, North Dakota voters in September 1976 approved a constitutional amendment giving North Dakota a new judicial article based on a unified court system; and

WHEREAS, the judicial article allows the legislature to make structural changes in the judicial system; and

WHEREAS, it has been shown by experience in other states which have established a unified court system that a great deal of study and planning is necessary before any structural changes are made in the overall judicial system, not only because of the interdependence of one portion of the system on another, but also because of the far-reaching effects any structural change in the state's court system will have on all citizens of the state;

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 initiate a study of the state's entire judicial system in light of the new judicial article to determine the structural changes necessary and the timetable for such changes; and

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

Filed April 3, 1979