

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 731

HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)

(At the request of the Interim Insurance Code Revision Committee)

INSURANCE LAWS STUDY

A concurrent resolution directing a Legislative Council study and revision of the insurance laws remaining in Title 26 of the North Dakota Century Code.

WHEREAS, 1981 Senate Concurrent Resolution No. 4069 directed a Legislative Council study of the insurance laws contained in Title 26 of the North Dakota Century Code; and

WHEREAS, due to the size of the revision and the limited time available the Legislative Council's Insurance Code Revision Committee revised only the provisions relating to the Commissioner of Insurance, insurance companies, state companies, and premiums and rates; and

WHEREAS, the 1981-83 interim study resulted in recommended legislation which replaced 657 sections with 538 sections, comprising 25 chapters of a new insurance title; and

WHEREAS, approximately 353 sections remain in Title 26 and concern agents and sales, contracts of insurance, and insurance coverage; and

WHEREAS, these remaining provisions should be revised to complete the study and revision initiated by the Insurance Code Revision Committee during the 1981-83 legislative interim;

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

That the Legislative Council carry out a comprehensive revision and renumbering of the insurance provisions remaining in Title 26 that were not revised during the 1981-83 legislative interim, emphasizing appropriate technical and grammatical changes, reflecting the type of changes made by the revision conducted during the 1981-83 legislative interim, and avoiding, to the extent possible, substantive recommendations or changes; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, along with necessary legislation revising the remainder of Title 26, and any related measures, to the Forty-ninth Legislative Assembly.

Filed March 7, 1983

CHAPTER 732

HOUSE CONCURRENT RESOLUTION NO. 3002
(Legislative Council)
(Interim Tenneco Plant Committee)

LEGISLATIVE COUNCIL TENNECO PLANT COMMITTEE

A concurrent resolution directing the Legislative Council to create a special Legislative Council interim committee to conduct a study of the impacts on North Dakota from the proposed Tenneco coal gasification plant at Wibaux, Montana.

WHEREAS, it appears that a coal gasification plant will soon be constructed at or near Wibaux, Montana; and

WHEREAS, the city of Beach, North Dakota, and its surrounding area will in all probability be heavily impacted by the Tenneco project, due to its size and proximity to the Beach area; and

WHEREAS, the initial mining plan submitted by Tenneco calls for coal to be mined in both North Dakota and Montana but it is estimated that the North Dakota coal will not be mined for approximately 20 years after plant production begins; and

WHEREAS, the precedent has been established that coal development impact aid made pursuant to North Dakota Century Code Chapter 57-62 may be used only to mitigate the adverse effects of development of North Dakota coal; and

WHEREAS, depending upon the mining progression established by Tenneco, the Beach area may be heavily impacted for a number of years before becoming eligible for coal development impact grants if no coal is mined in North Dakota during those years; and

WHEREAS, the Tenneco project, because of its need for large water supplies, may affect water rights in North Dakota; and

WHEREAS, since Tenneco may provide municipal water supplies to the city of Beach, the proposed Southwest Pipeline Project in North Dakota may be affected;

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

That the Legislative Council create a special interim committee with one member chosen from the area that will be impacted by the proposed Tenneco project; and

BE IT FURTHER RESOLVED, that the special Legislative Council interim committee conduct a study of the potential impact of the Tenneco coal gasification plant upon the city of Beach, North Dakota, and the surrounding area, with special emphasis placed on alternative methods of ensuring continuous impact assistance to the area throughout the life of the plant; and

BE IT FURTHER RESOLVED, that the special Legislative Council interim committee conduct a study of the potential impact of the Tenneco coal gasification plant water supply projects upon water rights in North Dakota and upon the proposed Southwest Pipeline Project; and

BE IT FURTHER RESOLVED, that the state of Montana be respectfully requested to designate or establish a similar committee to meet with this special Legislative Council interim committee to arrive at a solution mutually acceptable to both states; and

BE IT FURTHER RESOLVED, that a copy of this resolution be respectfully submitted to the Governor of Montana, its Senate, and its House of Representatives; and

BE IT FURTHER RESOLVED, that the special Legislative Council interim committee operate according to the statutes and procedures governing the operation of other Legislative Council interim committee and make its report and recommendations to the Legislative Council; 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-ninth Legislative Assembly.

Filed March 9, 1983

CHAPTER 733

HOUSE CONCURRENT RESOLUTION NO. 3003 (Higher Education Study Commission)

POSTSECONDARY EDUCATION STATEWIDE GOALS

A concurrent resolution setting forth statewide goals for postsecondary education.

WHEREAS, it is recognized that a high quality postsecondary education system is of vital importance to the state of North Dakota; and

WHEREAS, the maintenance of a high quality postsecondary education system can be assisted by the adoption of statewide goals;

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

That the Forty-eighth Legislative Assembly adopts the proposed statewide goals for postsecondary education as follows:

1. To provide quality, cost-effective postsecondary educational opportunities to all citizens of North Dakota.
2. To promote equal opportunity for postsecondary education to all North Dakotans regardless of race, color, creed, sex, age, national origin, physical disability, or economic status.
3. To provide a system of postsecondary education that will offer the diversity of educational programs and educational experiences necessary to meet the demands of North Dakotans.
4. To provide a system of governance of postsecondary education that will be responsive and accountable to the citizens, the Legislative Assembly, and the executive branch of government.
5. To promote the cooperation of public, private, and proprietary sectors of postsecondary education within the state and region.

6. To provide adequate funding for the public system of postsecondary education to fulfill its mission of instruction, research, and public service.
7. To promote flexibility at the state, local, and institutional level to facilitate the need to adapt to changing conditions; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota State Board of Higher Education, the Commissioner of Higher Education, the North Dakota State Board for Vocational Education, and the North Dakota Legislative Council.

Filed March 7, 1983

CHAPTER 734

HOUSE CONCURRENT RESOLUTION NO. 3004 (Higher Education Study Commission)

POSTSECONDARY EDUCATION FUNDING STUDY

A concurrent resolution requesting the Legislative Council to conduct a study to determine the adequacy and the appropriateness of the funding of postsecondary education and to develop a long-range plan for future funding of postsecondary education in North Dakota.

WHEREAS, the Higher Education Study Commission during the 1981-83 biennium conducted a general review of the structure of higher education in North Dakota; and

WHEREAS, the commission received testimony from the presidents of the state's institutions, the commissioner of higher education, legislators, and citizens as to the need for an in-depth study of the financing of state-supported institutions of postsecondary education in North Dakota; and

WHEREAS, enrollment projections for the state's institutions indicate that there will be a moderate rise in enrollment in the early part of the 1980's followed by a decline during the middle 1980's and subsequent significant increases in enrollments in the early 1990's; and

WHEREAS, this anticipated fluctuation of enrollments presents a challenge to the funding of postsecondary education; and

WHEREAS, formula funding now utilized for some institutions and minimum staffing practices applied to other institutions may be inappropriate methods for funding institutions during periods of enrollment instability; and

WHEREAS, alternative funding methods need to be examined for possible adoption to provide a more stable financial base; and

WHEREAS, the determination of the adequacy of the current funding practices and the development of a long-range plan for financing the state's public postsecondary institutions is essential to the best interests of the state;

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

That the Legislative Council is requested to undertake a study to determine the adequacy and the appropriateness of current funding methods applied to postsecondary education and to develop a long-range plan for future funding of postsecondary education; and

BE IT FURTHER RESOLVED, that the Legislative Council receive testimony and request input from the State Board of Higher Education, the State Board of Vocational Education, and the Office of Management and Budget; and

BE IT FURTHER RESOLVED, that the study's findings and recommendations be reported to the Forty-ninth Legislative Assembly together with any legislation required to implement the recommendations and findings.

Filed March 7, 1983

CHAPTER 735

HOUSE CONCURRENT RESOLUTION NO. 3006 (Murphy)

DISTRIBUTION OF WINDFALL PROFITS TAX

A concurrent resolution urging Congress to distribute part of revenues from the windfall profit tax to states producing the oil.

WHEREAS, the 1980 Congress imposed the Windfall Profit Tax Act which generally took effect in 1980; and

WHEREAS, the windfall profit tax revenues are derived primarily from only a few oil-producing states; and

WHEREAS, further exploration for discovery of oil improves the Nation's energy supply and defense capabilities; and

WHEREAS, the oil-producing states have experienced significant disruption of their economies and these disruptions have included dramatic increases in the demand for services and programs that far outstrip the financial capability of local jurisdictions to provide the services and programs; and

WHEREAS, when the Windfall Profit Tax Act was passed, the estimate of net revenues for fiscal 1981 was \$13.4 billion; and

WHEREAS, according to the Secretary of the Treasury, the net revenues from the tax for fiscal 1981 were \$13.8 billion or about \$400 million more than anticipated; and

WHEREAS, Congress did not enact legislation allocating the windfall profit taxes to specific programs during fiscal 1981;

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

That the Forty-eighth Legislative Assembly urges the United States Congress to amend the Windfall Profit Tax Act to allocate some of the revenues derived from the tax to the use of local jurisdictions that bear the economic brunt of activities that will produce those revenues; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of the Treasury, the chairman of the House Ways and Means Committee, the chairman of the Senate Finance Committee, and each member of the North Dakota Congressional Delegation.

Filed March 8, 1983

CHAPTER 736

HOUSE CONCURRENT RESOLUTION NO. 3008
(Nalewaja, Swiontek)

UNIFORM COMPETITIVE BID LAW STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting a uniform competitive bid law.

WHEREAS, contracts to perform services for or provide supplies and materials to public agencies are generally let through the bidding process; and

WHEREAS, varying bid requirements and procedures are found throughout the North Dakota Century Code; and

WHEREAS, the parties involved in the contract process may be confused about and misunderstand the various bid requirements and procedures applicable to public contracts;

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

That the Legislative Council is hereby directed to conduct a study of the feasibility and desirability of adopting a uniform competitive bid law; and

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

Filed March 7, 1983

CHAPTER 737

HOUSE CONCURRENT RESOLUTION NO. 3009 (Conmy)

DEFENSE AND WITNESS FUND STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of counsel services for indigent defendants and prosecution witness fees.

WHEREAS, there are substantial constitutional questions concerning the propriety of the administration of indigent defense and prosecution witness funds by the judicial system; and

WHEREAS, state funding of these services should be administered to avoid any appearance of judicial bias; and

WHEREAS, urgent consideration of the structure and administration of counsel services for indigent defendants and prosecution witness fees is desirable; and

WHEREAS, it is the intent of the Legislative Assembly that counsel services for indigent defendants and prosecution witness services be administered in the interest of justice;

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

That the Legislative Council is authorized and directed to conduct a study of the structure and administration of funds for counsel services for indigent defendants and prosecution witnesses; and

BE IT FURTHER RESOLVED, that in conducting the study the Council is urged to consult with the Chief Justice and justices of the North Dakota Supreme Court, the judges of the trial courts, the state court administrator, the clerk of the Supreme Court, the State Bar Association of North Dakota, the North Dakota State's Attorneys Association, the North Dakota Trial Lawyers Association, the North Dakota Association of Counties, the Attorney General, and the North Dakota Legal Counsel for Indigents Commission; and

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

Filed March 11, 1983

CHAPTER 738

HOUSE CONCURRENT RESOLUTION NO. 3012
(Representative O. Hanson)
(Senator Bakewell)

LEAFY SPURGE AWARENESS AND ERADICATION WEEK

A concurrent resolution recognizing the need for public awareness of the leafy spurge problem in North Dakota, designating and urging the Governor to proclaim the second week of June as "Leafy Spurge Awareness and Eradication Week", and urging all appropriate state agencies to promote public awareness of the leafy spurge problem.

WHEREAS, leafy spurge presently infests approximately 700,000 acres of grazing and cropland in North Dakota, and has spread insidiously for the past several decades; and

WHEREAS, chemicals and proper land stewardship are available means of controlling the spread of leafy spurge, and research is being conducted with the goal of more effective long-range control and eradication methods such as biological control; and

WHEREAS, in order for those persons and entities responsible for the protection of land in North Dakota to focus an intensive effort to control or eradicate this noxious weed, it is necessary to provide more public awareness of the problem;

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

That, until the leafy spurge problem is controlled, the North Dakota Legislative Assembly recognizes the second week of June, each year, as "Leafy Spurge Awareness and Eradication Week"; and

BE IT FURTHER RESOLVED, that the Governor is urged to proclaim the second week of June, each year until the leafy spurge problem is controlled, as "Leafy Spurge Awareness and Eradication Week"; and

BE IT FURTHER RESOLVED, that all appropriate state agencies are encouraged to promote more public awareness of the leafy spurge problem.

Filed March 14, 1983

CHAPTER 739

HOUSE CONCURRENT RESOLUTION NO. 3013 (Kretschmar)

TELEVISION AND RADIO COVERAGE OF LEGISLATIVE ASSEMBLY

A concurrent resolution authorizing television and radio coverage of the activities of the Forty-eighth Legislative Assembly and future assemblies; and providing for the preparation of guidelines for television and radio coverage by the Legislative Council or its designee.

WHEREAS, the North Dakota Legislative Assembly has a long tradition of open access to the legislative process for the public and the press, including television and radio; and

WHEREAS, a growing number of states provide for television and radio coverage of the committee and floor sessions of their legislatures to better inform the public about the legislative process and the issues before it; and

WHEREAS, television and radio coverage of the standing committees and floor sessions of the Forty-eighth Legislative Assembly may contribute to a better understanding by the citizens of North Dakota of the legislative process and the issues before the Legislative Assembly;

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

That the Forty-eighth Legislative Assembly, from and after adoption of this concurrent resolution, authorizes television and radio coverage of the standing committees and floor sessions of the Legislative Assembly, to the extent feasible, and within the general guideline that the coverage not interfere with the basic legislative process; and

BE IT FURTHER RESOLVED, that the Legislative Council, or its designee, develop comprehensive guidelines for television and radio coverage of the legislative process, including standing committee hearings, hearings of other legislative committees, and coverage of floor sessions of the Legislative Assembly, and that the guidelines, when completed, be submitted to the 1984 organizational session of the Legislative Assembly for adoption as the guidelines for the governance of television and radio coverage of the legislative process during the Forty-ninth Legislative Assembly.

Filed March 14, 1983

CHAPTER 740

HOUSE CONCURRENT RESOLUTION NO. 3017
(O'Shea, Hill, Brokaw, Richard)

GRAIN RESERVE PROGRAM

A concurrent resolution urging the President and Congress of the United States to cease charging interest to farmers participating in the grain reserve program.

WHEREAS, the production and marketing of grain by farmers in this state and throughout the nation provides a commodity vital to the health, safety, and welfare of the nation; and

WHEREAS, the recent grain embargo and international trade restrictions have placed in jeopardy the efficient marketing of this grain and future foreign markets for it; and

WHEREAS, as an alternative to placing their total production yields of grain into the market, farmers have privately built storage facilities and are participating in the federal grain reserve program authorized by 7 U.S.C. 1445 (e), designed to establish orderly marketing and which provides an emergency source of food supplies to the nation; and

WHEREAS, farmers receiving loans pursuant to the federal grain reserve program, and using their grain placed in the federal grain reserve program as security, are currently charged nine percent interest on the loan principal; and

WHEREAS, current grain prices are inadequate to sustain a continued strong and independent agricultural industry;

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

That the President and the Congress of the United States are urged to repeal the authority to charge any interest to farmers participating in the grain reserve program who receive loans through the Commodity Credit Corporation; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States, the Speaker and Clerk of the United States House of Representatives, and the President and Secretary of the United States Senate.

Filed March 14, 1983

CHAPTER 741

HOUSE CONCURRENT RESOLUTION NO. 3018
(Representatives Serenus Hoffner, Black, Gerl)
(Senators Matchie, Miller Heinrich, Kusler)

MOBILE HOME SAFETY STUDY

A concurrent resolution directing the Legislative Council to study current mobile home and mobile home court laws and regulations, and all other home and residence requirements in regard to high winds safety precautions.

WHEREAS, there are over 7,000 mobile homes in North Dakota with thousands of occupants; and

WHEREAS, there are currently 696 mobile home courts in North Dakota and the homes in these courts are usually closely spaced; and

WHEREAS, there are many apartment complexes, homes, and other residences in North Dakota which are susceptible to damage from tornadoes; and

WHEREAS, North Dakota experiences an average of 20 to 30 tornadoes per year with winds ranging from 100 miles per hour to 200 miles per hour and frequent thunderstorms with straight line winds in excess of 80 miles per hour; and

WHEREAS, the peak time of day for tornadoes and thunderstorms in North Dakota is during the evening hours when occupants are in their homes; and

WHEREAS, mobile homes which are not placed on permanent foundations or properly tied down generally cannot withstand winds of 80 miles per hour or more without incurring substantial structural damage; and

WHEREAS, tornadic winds create a tremendous volume of flying debris, which is a major cause of damage to all homes and 90 percent of all persons killed by tornadoes are killed by flying and falling debris; and

WHEREAS, the North Dakota mobile home tiedown laws should be adhered to properly to protect mobile homes from winds in excess of 80 miles per hour; and

WHEREAS, tornadic winds generally destroy homes and buildings; and

WHEREAS, there is rarely enough time to escape from tornadoes since they usually hit with little warning time and streets used in high density residential areas, such as mobile home courts and apartment complexes, are not designed for high speed or high volume traffic;

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

That the Legislative Council is directed to conduct a study of mobile home and mobile home court laws and regulations and all other home and residence requirements in regard to high wind safety precautions; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 742

HOUSE CONCURRENT RESOLUTION NO. 3019
(Representatives Linderman, Swiontek, E. Pomeroy)
(Senators Dotzenrod, Wogsland)

FEDERAL TAX INCENTIVES TO BEGINNING FARMERS

A concurrent resolution urging Congress to adopt federal tax incentives similar to those available in North Dakota to assist beginning farmers.

WHEREAS, the State of North Dakota through its tax system has adopted a program of tax incentives for landowners to sell or rent farmland to beginning farmers; and

WHEREAS, this program has been in effect since 1979 and has proven to be a positive method of encouraging landowners to consider beginning farmers when they decide to transfer their land; and

WHEREAS, such a program to assist beginning farmers is one which does not require the establishment of new agencies or additional bureaucracy; and

WHEREAS, the federal tax policy has been shown by United States Department of Agriculture studies to have a significant impact on American agriculture; and

WHEREAS, federal tax policy has in general led to upward pressure on farmland prices, larger farm sizes, incentives for farm incorporation, altered management practices, and increased use of farmland as a tax shelter by both farmers and non-farmers; and

WHEREAS, these impacts of federal tax policy have generally negative effects on beginning farmers and therefore contribute to the continued decline of farm numbers in the United States;

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

That the Forty-eighth Legislative Assembly urges the United States Congress to adopt a system of tax incentives for those who sell or rent land to beginning farmers, similar to that presently used in North Dakota.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Secretary of the Treasury, the Secretary of Agriculture, and the President of the United States.

CHAPTER 743

HOUSE CONCURRENT RESOLUTION NO. 3020
(Representatives Kretschmar, Vander Vorst)
(Senator Leibhan)

MORATORIUM ON FmHA FORECLOSURES

A concurrent resolution urging the United States Secretary of Agriculture to place a moratorium during 1983 and 1984 on Farmers Home Administration farm foreclosure actions.

WHEREAS, grain accounts for 76 percent of the total world agricultural trade market; and

WHEREAS, United States production accounts for 57 percent of the total world grain exports, 77 percent of the total world corn exports, and 79 percent of the total world soybean exports; and

WHEREAS, the production of agricultural commodities by farmers in this state and throughout the nation provides a vital service to the health, safety, and welfare of the nation and several foreign food-importing countries; and

WHEREAS, the United States has the lowest wheat and corn price support and selling prices in the world; and

WHEREAS, many farmers have pledged their assets as security for loans obtained through and payable to the Farmers Home Administration; and

WHEREAS, current agricultural commodity prices are inadequate to enable farmers to meet their credit obligations or to sustain a strong and independent agricultural industry; and

WHEREAS, the number of farm foreclosures is increasing at an alarming rate and if allowed to continue, may irrevocably destroy agricultural industry throughout the nation;

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

That the United States Secretary of Agriculture is urged to place a moratorium during 1983 and 1984 on all Farmers Home Administration farm foreclosure actions; and

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

Filed April 5, 1983

CHAPTER 744

HOUSE CONCURRENT RESOLUTION NO. 3021 (Gorder, Retzer)

BEGINNING FARMER PROGRAM STUDY

A concurrent resolution directing the Legislative Council to study North Dakota's beginning farmer programs and to determine the feasibility of requiring loan applicants to participate in the vocational education adult farm management program of supervised recordkeeping and management assistance.

WHEREAS, the Bank of North Dakota, in cooperation with Farmers Home Administration, makes real estate loans at reduced rates of interest to beginning farmers; and

WHEREAS, the state of North Dakota has offered tax incentives to encourage landowners to sell or rent their farmland to beginning farmers; and

WHEREAS, the Bank of North Dakota offers a state guarantee available to those who sell property on a contract for deed to a beginning farmer; and

WHEREAS, eligibility for these programs presently does not require participants to improve their farm management skills; and

WHEREAS, the state board for vocational education through local educational agencies offers a program of supervised recordkeeping and management for farmers and ranchers in North Dakota; and

WHEREAS, the adult farm management program has a network of instructors located throughout the state;

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

That the Legislative Council study beginning farmer programs in the state and also the feasibility of requiring beginning farmer program applicants to participate in the adult farm management program or some other supervised farm recordkeeping system as a criteria to qualify for North Dakota beginning farmer programs; and

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

Filed March 14, 1983

CHAPTER 745

HOUSE CONCURRENT RESOLUTION NO. 3022
(L. Hanson, W. Williams)

MODEL SOIL CONSERVATION LAW STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the desirability of adopting the model state soil conservation law in North Dakota.

WHEREAS, soil conservation is critical to the future of North Dakota agriculture and the state's economy; and

WHEREAS, the Midwest Governor's Conference at its July 1982 meeting adopted a proposed model state soil conservation law; and

WHEREAS, Governor Allen I. Olson is serving as the chairman of the Soil Conservation Task Force of the National Governors' Association; and

WHEREAS, North Dakota has been a leader among states in the application of soil conservation programs; and

WHEREAS, federal funding of soil conservation programs has not kept pace with inflation or the needs of soil conservation districts, which will necessitate increasing efforts by state governments; and

WHEREAS, individual North Dakota farm and ranch operators should have available an effective means of protecting their lands from erosion originating on neighboring lands and the public has an interest in ensuring that soil resources are developed and conserved so that the annual gain in productivity exceeds the annual loss;

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

That the Legislative Council is hereby directed to conduct a study of the model state soil conservation law as proposed by the Midwest Governors' Conference and the current state soil conservation laws to determine how the model state soil conservation law could be adapted to meet the soil conservation needs of North Dakota, to provide protection to farm and ranch operators for their lands, and to serve the public interest in conservation of the state's soil resources; 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-ninth Legislative Assembly.

Filed March 14, 1983

CHAPTER 746

HOUSE CONCURRENT RESOLUTION NO. 3023 (Unhjem, A. Williams)

INSANITY DEFENSE STUDY

A concurrent resolution directing a Legislative Council study of the insanity defense.

WHEREAS, increasing attention has been directed at the insanity defense in criminal trials and the disposition of cases involving mentally disabled defendants during recent months; and

WHEREAS, the legal ramifications of repealing the insanity defense are unclear; and

WHEREAS, whether treatment is available for mentally disabled defendants under the present law or proposed changes needs clarification; and

WHEREAS, it is unclear how parole would apply if a verdict of guilty but mentally ill were allowed; and

WHEREAS, there is not sufficient time to address all the possible problems concerning this question during the legislative session;

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

That the Legislative Council is directed to study the use of the insanity defense (mental disease or defect excluding responsibility) in criminal trials; 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-ninth Legislative Assembly.

Filed March 11, 1983

CHAPTER 747

HOUSE CONCURRENT RESOLUTION NO. 3024
(Representatives Nowatzki, Linderman, W. Meyer, Olafson)

PAYMENT-IN-KIND ACREAGE REDUCTION PROGRAM

A concurrent resolution urging the United States Secretary of Agriculture to include barley as an eligible commodity for participation in the federal payment-in-kind acreage reduction program.

WHEREAS, barley is the major feed grain produced in North Dakota as well as in many other states; and

WHEREAS, North Dakota barley reserve stocks total over 113 million bushels as of January 1, 1983, which reserve represents an increase of over 30 percent from the same time one year ago; and

WHEREAS, record production coupled with a weak worldwide demand for barley due to global recession and severe financial problems of major foreign markets has created undesirable surpluses; and

WHEREAS, the current market price of barley is less than one-third of the established parity price; and

WHEREAS, the United States Department of Agriculture has determined that the diversion of additional acreage from the production of other crops is necessary to adjust the total national acreage of the commodities to desirable levels and that producers should be compensated by receipt of like commodities; and

WHEREAS, other feed grains are included in the federal payment-in-kind program for acreage reduction and barley producers should have the same opportunities for this federal assistance;

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

That the United States Secretary of Agriculture is hereby urged to include barley as an eligible commodity for participation in the federal payment-in-kind program for acreage reduction; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the United States Secretary of Agriculture, to the chairmen of the United States Senate and United States House of Representatives Committees on Agriculture, and each member of the North Dakota Congressional Delegation.

Filed February 3, 1983

CHAPTER 748

HOUSE CONCURRENT RESOLUTION NO. 3025
(Representative S. F. Hoffner)
(Senator Wenstrom)

PROCEDURE TO RECONVENE REGULAR SESSION

A concurrent resolution to establish a procedure for calling the Forty-eighth Legislative Assembly back into regular session after July 1, 1983, should the remaining constitutional time allotted for the regular session be needed.

WHEREAS, the Constitution of the State of North Dakota allots 80 natural days for completion of business of the Legislative Assembly during each biennium; and

WHEREAS, the regular session of the Forty-eighth Legislative Assembly should complete its business during this initial session without utilizing the full 80 days allotted to it; and

WHEREAS, the Legislative Assembly should have procedures established for calling itself back into session for all or some portion of the days remaining of the 80-day constitutional allotment;

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

That adjournment of the Forty-eighth Legislative Assembly shall be in accordance with the provisions of this resolution, provided that the power to reconvene the Forty-eighth Legislative Assembly pursuant to this resolution may not be exercised prior to July 1, 1983; and

BE IT FURTHER RESOLVED, that the following procedures and provisions will be applicable during the remainder of the Forty-eighth Legislative Assembly, and are to be utilized if the Forty-eighth Legislative Assembly is to be called back into regular session:

1. The officers and committee structure agreed upon during the organizational session held on December 7-9, 1982, will continue in effect until December 1, 1984, unless altered by vacancy.

2. The standing committees of the Forty-eighth Legislative Assembly may meet jointly at the call of the Legislative Council after the Forty-eighth Legislative Assembly has been called to reconvene pursuant to this resolution. The standing committees so meeting may consider bills submitted to them by the Legislative Council, which bills shall be considered prefiled for purposes of the scheduled reconvening of the Forty-eighth Legislative Assembly.
3. The Legislative Council, at a regular meeting, or a meeting which shall be called by the chairman upon request of a majority of each political faction represented by the Council, may, by majority vote, direct the Legislative Council staff to poll the entire membership of the Forty-eighth Legislative Assembly concerning their desire to have the Forty-eighth Legislative Assembly reconvene. The poll shall be by mailed questionnaire which shall set forth the major issues which give rise to the question of calling the Forty-eighth Legislative Assembly back into regular session. The text describing the issues shall be approved by the Legislative Council.
4. If two-thirds of the membership of both joint caucuses respond affirmatively to the poll, the Legislative Council shall set a time certain, not less than 14 nor more than 90 days from the completion of the poll, for reconvening of the Forty-eighth Legislative Assembly in regular session.

Filed March 8, 1983

CHAPTER 749

HOUSE CONCURRENT RESOLUTION NO. 3027
(Representatives Schoenwald, Schneider, Sanstead)
(Senator Maixner)

EDUCATION BENEFITS UNDER G.I. BILL

A concurrent resolution urging Congress to remove the time limitations for veterans to use their education benefits under the G.I. bill.

WHEREAS, veterans of the armed forces who served between January 31, 1955, and January 1, 1977, and who were entitled to education benefits under the G.I. bill are required by federal law to use those benefits within ten years after discharge or release from active duty; and

WHEREAS, current economic problems in this country have caused many veterans to become unemployed; and

WHEREAS, veterans of the armed forces have served this country long and well and should not lose their education benefits under the G.I. bill merely by lapse of time; and

WHEREAS, the removal of the ten-year limitation to utilize education benefits under the G.I. bill would allow these veterans to retrain themselves to become productive members of society; and

WHEREAS, under the provisions of the G.I. bill, no educational assistance may be afforded to eligible veterans after December 31, 1989; and

WHEREAS, the Department of Defense estimates that many of the servicemen who entered service prior to 1977 and who would otherwise still be in service in 1990 will leave the service to use their G.I. benefits because of the 1989 termination date; and

WHEREAS, the cost to recruit and train replacements for members of the armed forces who leave prematurely is high and the replacement of senior personnel with more junior personnel reduces the effectiveness and readiness of the armed forces; and

WHEREAS, these servicemen should not be penalized by losing earned benefits because of a longer term of service to the nation;

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

That the Forty-eighth Legislative Assembly of North Dakota urges the United States Congress to eliminate the ten-year limitation and the 1989 termination date for educational benefits under the G.I. bill; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Defense, the chairman of the Senate and House Committees on Veterans Affairs, and each member of the North Dakota Congressional Delegation.

Filed March 22, 1983

CHAPTER 750

HOUSE CONCURRENT RESOLUTION NO. 3031
(Representatives B. Larson, Schoenwald, Lautenschlager)
(Senator Barth)

WORLD GRAIN TRADE

A concurrent resolution urging the President and Congress of the United States to make every effort toward restoring United States agriculture to a strong position in the world grain trade and to aid in the development of a strong agricultural economy.

WHEREAS, the President and United States Department of Agriculture have taken positive steps toward resolving current farm problems through canceling of the Russian grain embargo, implementing a federal payment-in-kind acreage reduction program, encouraging federal export subsidies on agricultural commodities, extending the existing Russian grain trade agreement, expanding farm credit programs, offering contract sanctity on grain agreements with Russia, and supporting a general farm program; and

WHEREAS, the economic viability of the current farm economy is steadily worsening as exemplified by low and falling commodities prices, record high production and marketing expenses, and an increasing and unusually high rate of farm foreclosures; and

WHEREAS, the United States agricultural industry is a vital component of foreign policy; and

WHEREAS, the fluctuating value of United States currency has had a negative impact on the export of United States agricultural commodities; and

WHEREAS, the European economic community continues to subsidize its exports of grain while the total world grain trade is declining; and

WHEREAS, other grain exporting countries such as Australia are expanding their agricultural commodity exports while the exports of the United States have either stabilized or declined; and

WHEREAS, a healthy farm economy is beneficial to our domestic economy, positively influences our balance of payments and trade, promotes worldwide and domestic social well-being, aids in the

preservation of a free society, and is essential for a strong military;

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

That the President and the Congress of the United States of America are urged to make every effort to restore United States agriculture to a strong position in the world grain trading market, to aid the development of a strong agricultural economy by promoting exports, to enter into fair trade agreements with exporting and importing countries, and to maintain a strong farm program; and

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

Filed March 14, 1983

CHAPTER 751

HOUSE CONCURRENT RESOLUTION NO. 3032 (Unhjem, Strinden)

HANDICAPPED PERSONS' RIGHTS

A concurrent resolution urging the Congress of the United States to enact legislation to provide sufficient funding to states and their political subdivisions for facilities and services for handicapped persons, to enact legislation to modify 42 U.S.C. 1983 et seq., and to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons.

WHEREAS, the Legislative Assembly recognizes the existence of a state obligation to provide education and rehabilitative services to disabled and handicapped citizens; and

WHEREAS, the Legislative Assembly further recognizes that education and rehabilitative services to disabled and handicapped citizens must be accomplished on an individual basis, and that great deference should be given to the professional judgment of qualified professionals as to which types of treatment and education should be afforded each individual; and

WHEREAS, Congress has considered the needs of handicapped and disabled persons and has enacted Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142, the Education for all Handicapped Children Act of 1975; and

WHEREAS, Congress has never provided sufficient funding to the states to bring their practices and facilities into compliance with Section 504 of the Rehabilitation Act of 1973, and P.L. 94-142; and

WHEREAS, state and local governments have been made subject to civil suits and often the payment of plaintiffs' attorneys fees by persons alleging deprivation of their constitutional or statutory rights; and

WHEREAS, the state of North Dakota and its political subdivisions have been confronted with significant expenditures

mandated by federal courts following decisions based in part upon these federal laws; and

WHEREAS, federal statutes and federal court decisions are mandating requirements for states in terms of numerical ratios and macroscopic statistics and are setting timetables for implementation;

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

That the Forty-eighth Legislative Assembly urges the Congress to provide sufficient funding to the states to enable such states and their political subdivisions to fairly undertake the fiscal responsibility for providing facilities and services that are reflective of the rights granted under these federal Acts; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly urges the Congress to amend 42 U.S.C. 1983 et seq. to limit the payment of attorneys fees to reasonable and prevailing rates in the states, and to remove the unreasonable provisions of the law including the doubling of attorneys fees at the courts' discretion; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly urges the Congress of the United States to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons rather than legislation based upon general assumptions of educational and rehabilitative needs of handicapped and disabled persons; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution 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 16, 1983

CHAPTER 752

HOUSE CONCURRENT RESOLUTION NO. 3034
(Representatives Gullickson, W. Meyer)
(Senator Barth)

FARM PRODUCTS REPAYMENT

A concurrent resolution urging the Farmers Home Administration of the United States Department of Agriculture to develop a farm credit payment plan to allow farmers who use the credit of the United States Department of Agriculture to use farm produce to repay their loans to the government.

WHEREAS, the true productive wealth of North Dakota lies in its rich natural resources; and

WHEREAS, two-thirds of the annual new wealth in North Dakota comes from the agricultural industry, whose backbone is the men and women who own and operate our family farms; and

WHEREAS, the economic well-being of our family farmers is essential to the economic well-being of the entire state; and

WHEREAS, adverse economic conditions have placed North Dakota family farmers in a struggle for financial survival; and

WHEREAS, all North Dakotans recognize that the men and women who cultivate our soil and practice the art of animal husbandry are entitled to a fair profit; and

WHEREAS, current farm prices are the lowest in terms of the percentage of parity achievement in our nation's history and do not provide a fair return for capital investments, management, and family labor; and

WHEREAS, North Dakota is facing a record number of farm bankruptcies, which will place a severe economic strain on all North Dakotans; and

WHEREAS, the Farmers Home Administration of the United States Department of Agriculture, a lender of last resort, has begun foreclosure proceedings or is considering foreclosure proceedings against a number of our family farmers who have outstanding land and production loans with that agency; and

WHEREAS, the United States Department of Agriculture has announced that it will begin paying farmers who hold land out of production with surplus grain instead of cash; and

WHEREAS, loans made by the United States Department of Agriculture through the Farmers Home Administration must be repaid in cash which many farmers are unable to raise;

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

That the Forty-eighth Legislative Assembly urges the Farmers Home Administration of the United States Department of Agriculture to develop a plan whereby farmers who use the credit of the United States Department of Agriculture may use farm produce, such as grain, to repay their loans to the government; and

BE IT FURTHER RESOLVED, that this repayment program be known as the North Dakota Homestead Act of 1983; and

BE IT FURTHER RESOLVED, that the program developed be consistent with past governmental policies such as the Homestead Act of 1862, Chapter 75, 12 Stat. 392 (1862), so that borrowers of government funds would be able to use the historical crop share of 25 percent of the borrower's production as the annual land payment until the borrower has proven the farm and graduated from government credit to commercial credit, or for at least five years, whichever comes first; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of the Department of Agriculture, and each member of the North Dakota Congressional Delegation, accompanied by a message that North Dakota's Forty-eighth Legislative Assembly supports the concept that agriculture pay its bills with the products of its labor.

Filed March 14, 1983

CHAPTER 753

HOUSE CONCURRENT RESOLUTION NO. 3035
(Representatives R. Meiers, E. Pomeroy, Thompson, DeMers)
(Senator Lips)

HEALTH DISTRICTS STUDY

A concurrent resolution directing a Legislative Council study and revision of statutes relating to local health boards.

WHEREAS, the laws relating to health districts in chapter 23-14 of the North Dakota Century Code were enacted several years ago and many of the statutes establishing county, township, and city boards of health in chapters 23-03, 23-04, and 23-05 of the North Dakota Century Code were enacted in the late 1800's; and

WHEREAS, only minor revisions to the statutes have been made over the years; and

WHEREAS, the population distribution, number and size, and public health problems of North Dakota communities have changed significantly since enactment of local health statutes; and

WHEREAS, the local health statutes are no longer appropriate or relevant to meet current public health problems;

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

That the Legislative Council carry out a comprehensive review and revision of the local public health statutes found in chapters 23-03, 23-04, 23-05, and 23-14 of the North Dakota Century Code with the objective of the adoption of uniform terminology and a common purpose for local public health services; and

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

Filed March 22, 1983

CHAPTER 754

HOUSE CONCURRENT RESOLUTION NO. 3036
(Strinden)

COAL GASIFICATION PLANT TAX STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the impact of, and allocation of proceeds from, the privilege tax on coal gasification plants.

WHEREAS, the privilege tax of two and one-half percent of gross receipts on coal gasification plants is projected to result in much greater revenues for counties than are presently generated by the one-quarter mill per kilowatt hour privilege tax on electrical generating plants; and

WHEREAS, there may be inequities in the level of taxation and in the present formula for allocation of revenues from the privilege tax on coal gasification plants resulting, among other things, in some taxing units receiving more and others less than the amounts needed to meet local impact costs; and

WHEREAS, it is incumbent upon the Legislative Assembly to anticipate increased tax revenues and to assess future needs for tax revenues by the state and its political subdivisions;

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

That the Legislative Council is hereby directed to study the impact of the current level of tax on coal gasification plants and the formula for allocation of the privilege tax on coal gasification plants with emphasis on state and local needs for tax revenues and alternative methods to limit amounts which may be allocated to any political subdivision; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 755

HOUSE CONCURRENT RESOLUTION NO. 3037
(Representative Vander Vorst)
(Senator Leibhan)

AGRICULTURAL PROMOTION AGENCIES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of appropriating to the various agricultural commodities promotion agencies all or a portion of the interest earned on the commodity assessments collected by those agencies and to identify other state agencies which perform services for the agricultural commodities agencies, the nature of those services, and to fix a reasonable charge for those services.

WHEREAS, the Legislative Assembly has enacted enabling legislation for various agricultural commodities promotion agencies and has authorized the collection of assessments on commodities production in order to fund the respective agricultural commodities promotion agencies; and

WHEREAS, the assessments collected by the agricultural commodities promotion agencies are required by law to be deposited with the State Treasurer; and

WHEREAS, the amount of revenue generated by the assessments varies according to the impact of several factors including weather, the number of requested refunds, and government programs on acreage reduction and production; and

WHEREAS, because of the fluctuation of revenues produced by the agency assessments it has become necessary to maintain a level of reserve funds which are sufficient to ensure a continuity of services provided by the agricultural commodities promotion agencies; and

WHEREAS, current assessment revenues are commingled with other moneys in the general fund and the investment earnings from those assessments accrue to the general fund; and

WHEREAS, various entities of state government perform services and incur costs on behalf of the agricultural commodities promotion agencies;

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

That the Legislative Council is hereby directed and authorized to conduct a study of the feasibility of appropriating to the agricultural commodities promotion agencies all or a portion of the interest earned on the assessments collected by those agencies, and that the study includes the identification of those entities of state government which perform services for the agricultural commodities promotion agencies, the nature of the services, and what would constitute a reasonable charge for the performance of those services; 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-ninth Legislative Assembly.

Filed March 18, 1983

CHAPTER 756

HOUSE CONCURRENT RESOLUTION NO. 3038
(R. Anderson, Kloubec, Hjelle, Rice)

LITTER PROBLEMS STUDY

A concurrent resolution directing the Legislative Council to study the problems associated with litter.

WHEREAS, local government is responsible for the removal and control of litter; and

WHEREAS, litter in the form of discarded paper, cans, bottles, tires, miscellaneous car parts, and other sundry items is unhealthy and unsightly and poses a potential cause of accidents; and

WHEREAS, numerous states have considered measures commonly referred to as container deposit or bottle laws; and

WHEREAS, several businesses including grocers, the news media, and beverage industries are currently involved in the Pitch-In, Keep North Dakota Clean program; and

WHEREAS, the actual economic and ecological impact of a comprehensive litter control program is not known; and

WHEREAS, everything humanly possible should be done to keep North Dakota a beautiful state;

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

That the Legislative Council study all problems associated with litter, container deposit requirements, litter recycling programs, litter control incentives, and any other alternative solutions to the problem of litter; 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-ninth Legislative Assembly.

Filed April 12, 1983

CHAPTER 757

HOUSE CONCURRENT RESOLUTION NO. 3039
(Representative Koski)
(Senator Bakewell)
(Approved by the Committee on Delayed Bills)

LEGISLATIVE PHOTOGRAPHER

A concurrent resolution to appoint an official photographer for the Forty-eighth Legislative Assembly, to set forth the photography order, and to authorize payment.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Renner Studios offers to take six color proof photographs of each Senator, each Representative, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, the Senate Bill Clerk, the Chief Clerk of the House, the Assistant Chief Clerk of the House, the House Desk Reporter, the House Sergeant-at-Arms, and the House Bill Clerk, and to retouch the final prints to compile a composite color picture of all Senate members and named employees, and all House members and named employees, framed and ready to hang, and individual composite photographs to be furnished to each member; all of the foregoing at a total cost of \$2,817;

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

That Renner Studios of Mandan, North Dakota, be and is hereby appointed official photographer for the Forty-eighth Legislative Assembly of the State of North Dakota; and

BE IT FURTHER RESOLVED, that Renner Studios of Mandan, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the House of Representatives, the Lieutenant Governor, and the above-mentioned legislative employees of the Forty-eighth Legislative Assembly, at the total cost of \$2,817 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered pursuant to a contract entered into between Renner Studios, and the photography committees of the Senate and House of Representatives.

Filed February 14, 1983

CHAPTER 758

HOUSE CONCURRENT RESOLUTION NO. 3040 (Jacobson, Martinson)

TEACHER RETIREMENT LAW RECODE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the recodification of the statutes affecting teacher retirement programs.

WHEREAS, the Teachers' Fund for Retirement program is the responsibility of the state; and

WHEREAS, there is a continuing need to evaluate teacher retirement laws and their effect on the retirement program; and

WHEREAS, the statutes for teacher retirement programs are found in three separate chapters in the North Dakota Century Code which have various effects on retired teachers; and

WHEREAS, the complexity of the teachers' retirement laws has created administrative and legal questions; and

WHEREAS, the administration of the Teachers' Fund for Retirement has been further complicated by numerous opinions from the Attorney General;

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

That the Legislative Council study the feasibility and desirability of the recodification of the statutes affecting teacher retirement programs; and

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

Filed March 16, 1983

CHAPTER 759

HOUSE CONCURRENT RESOLUTION NO. 3041
(Representative Kloubec)
(Senator Nelson)

LANDFILL AND MUNICIPAL WASTE USE STUDY

A concurrent resolution directing the Legislative Council to conduct a study to examine technological possibilities and methods for improved landfill management and the potential for agricultural and other uses for municipal wastes.

WHEREAS, agricultural land is a precious, nonrenewable resource; and

WHEREAS, some agricultural lands become landfill sites as cities expand; and

WHEREAS, even with landfill availability, other municipal waste disposal demands create rural environmental problems; and

WHEREAS, additional environmental restriction will not resolve the problem of increased populations creating more wastes of all kinds for governmental units to dispose of; and

WHEREAS, landfill problems will increase confrontation between rural and urban areas;

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

That the Legislative Council is hereby directed to conduct a study to examine technological possibilities for improved landfill management and the potential for agricultural and other uses for municipal wastes; 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-ninth Legislative Assembly.

Filed March 11, 1983

CHAPTER 760

HOUSE CONCURRENT RESOLUTION NO. 3042
(O'Shea, Hill, E. Pomeroy)

ROUGH RIDER INDUSTRIES GAMBLING EQUIPMENT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing for the manufacture by Roughrider Industries of equipment to be used in conducting games of chance.

WHEREAS, opportunities for employment of inmates of the State Penitentiary and State Farm in worthwhile, productive projects are presently very limited; and

WHEREAS, it would be beneficial to the administration and inmates of the State Penitentiary and State Farm to provide inmates with some constructive enterprise to occupy the inmate's time and energy; and

WHEREAS, organizations conducting games of chance in the state use pull tabs, bingo equipment, punchboards, twenty-one tables, and other equipment for conducting games of chance which is manufactured outside of the state; and

WHEREAS, such equipment might be manufactured by inmates of the State Penitentiary and State Farm under the direction of Roughrider Industries to assure that such equipment uniformly conforms to established standards;

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

That the Legislative Council study the feasibility and desirability of establishing facilities for manufacture of equipment for games of chance by Roughrider Industries and use of existing distributors in distribution of such equipment; 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-ninth Legislative Assembly.

Filed March 11, 1983

CHAPTER 761

HOUSE CONCURRENT RESOLUTION NO. 3043
(Representatives Backes, Strinden)
(Senators Nething, Redlin)

STATE VETERANS' PROGRAMS STUDY

A concurrent resolution directing the Legislative Council to study all state veterans benefit programs to determine the feasibility, desirability, and fiscal impact of extending those benefits to all honorably discharged military personnel.

WHEREAS, there are approximately 57,000 military service veterans living in North Dakota to whom the citizens of this state owe a tremendous debt of gratitude; and

WHEREAS, North Dakota has provided many benefits for veterans of military service including the veterans aid fund, educational assistance, public employment preferences, tax reductions and exemptions, and veterans housing; and

WHEREAS, the term "veteran" is defined differently for the purposes of qualifying for many of these benefits; and

WHEREAS, approximately 20 percent of the military service veterans in North Dakota do not currently qualify for certain veterans benefits such as the North Dakota Soldiers' Home and the veterans aid program; and

WHEREAS, all veterans should be eligible to participate in these benefits provided by the state;

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

That the Legislative Council is hereby directed to conduct a study of all state veterans benefit programs to determine feasibility, desirability, and fiscal impact of extending those benefits to all honorably discharged military personnel; 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-ninth Legislative Assembly.

Filed March 22, 1983

PROPERTY OF
STATE DEPARTMENT OF HEALTH
BISMARCK, NORTH DAKOTA 58505

CHAPTER 762

HOUSE CONCURRENT RESOLUTION NO. 3044
(Representatives Kloubec, Moore, R. Anderson)
(Senator Goodman)

NATURAL GAS PIPELINE FEASIBILITY STUDY

A concurrent resolution to direct the Legislative Council to conduct a study of the desirability and feasibility of the construction of a pipeline to carry excess natural gas production from western North Dakota to eastern North Dakota.

WHEREAS, western North Dakota has a relatively large supply of natural gas being produced from its oil and gas fields; and

WHEREAS, the primary purchaser of this western North Dakota natural gas is the Montana-Dakota Utilities Company; and

WHEREAS, the supply of western North Dakota natural gas exceeds the demand for it by Montana-Dakota Utilities Company; and

WHEREAS, because of the lack of an immediate demand for this excess supply of natural gas, the practice of flaring has been permitted in certain fields which is wasteful of this state's limited natural resources; and

WHEREAS, a possible market for this excess production of western North Dakota natural gas exists in eastern North Dakota; and

WHEREAS, if western North Dakota natural gas were to be supplied to consumers in eastern North Dakota, a transportation system would have to be developed to deliver the product;

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

That the Legislative Council is directed to conduct a study of the desirability and feasibility of the construction of a natural gas pipeline from western North Dakota natural gas fields to eastern North Dakota consumers with consideration being given to the financing of the project by the use of a combination of state funding, municipal industrial development bonds, municipal bonding authorities, and financial assistance from the utilities involved; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 763

HOUSE CONCURRENT RESOLUTION NO. 3045 (Murphy)

OIL AND GAS LAWS STUDY

A concurrent resolution to direct the Legislative Council to conduct a study of the oil and gas laws.

WHEREAS, there are relatively large deposits of oil and gas in western North Dakota that are or may be subject to development; and

WHEREAS, the development of these natural resources has resulted in the adoption of many diverse laws and regulations governing oil and gas activities; and

WHEREAS, these laws have become so complex that many people do not understand their purpose or effect; and

WHEREAS, with the continued development of oil and gas resources in this state it is important that the oil and gas laws be reviewed to assure that the problems associated with oil and gas development are addressed and that these laws are clear and understandable;

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

That the Legislative Council conduct a study of the oil and gas laws of this state, with emphasis on addressing any problems associated with oil and gas development in this state and reviewing and revising the oil and gas laws to make them clear and understandable; and

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

Filed March 22, 1983

CHAPTER 764

HOUSE CONCURRENT RESOLUTION NO. 3046 (Wold)

LOW-LEVEL RADIOACTIVE WASTE STUDY

A concurrent resolution directing the Legislative Council to analyze the needs of this state for a safe disposal site for low-level radioactive waste generated in this state and to make a recommendation whether this state should become a member of an Interstate Low-Level Radioactive Waste Compact; and to study the handling, storage, use, transport, and processing of toxic or hazardous substances which may endanger the health, welfare, and safety of persons who live and work in this state.

WHEREAS, compared to other states this state does not generate much low-level radioactive waste, generating about five cubic yards of the material each year; and

WHEREAS, there are two methods available to this state for solving the problem of disposing of its low-level radioactive waste, with one solution being to join an interstate low-level radioactive waste compact and with the other solution being to find a site in this state for the disposal of low-level radioactive waste; and

WHEREAS, although joining an interstate low-level radioactive waste compact opens the possibility that this state's low-level radioactive waste may be disposed of elsewhere, there is a concomitant risk that membership in an interstate low-level radioactive waste compact might result in this state being selected as a disposal site for low-level radioactive waste generated in as many as ten other states; and

WHEREAS, selection of a site in this state, without joining an interstate low-level radioactive waste compact, could be a costly process; and

WHEREAS, if this state does not join an interstate low-level radioactive waste compact, there might not be any place for the disposal of low-level radioactive waste generated in this state; and

WHEREAS, for the Legislative Assembly to make an informed decision as to which solution should be adopted, a great deal of technical information must be analyzed; and

WHEREAS, the handling, storage, use, transport, and processing of toxic or hazardous substances may endanger the health, welfare, and safety of those who live and work within the state; and

WHEREAS, individuals who live and work within the state are entitled to know the identities of the toxic or hazardous substances to which they may be exposed, and these same individuals as well as local fire departments are entitled to know the health hazards associated with the substances to which they may be exposed; and

WHEREAS, it may be desirable for the law in North Dakota to more completely and effectively protect and warn the general public with respect to the handling, storage, use, transport, and processing of toxic or hazardous substances;

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

That the Legislative Council analyze the generation of low-level radioactive waste in this state, determine the quantity produced and the danger posed by its existence, predict future changes in the amount of low-level radioactive waste that will be produced in this state, analyze the latest methods devised for proper handling and ultimate disposal of low-level radioactive waste, study the cost of designating and operating an in-state site for disposal of low-level radioactive waste produced in this state, and study the risks and benefits associated with joining an interstate low-level radioactive waste compact; and

BE IT FURTHER RESOLVED, that the Legislative Council study the handling, storage, use, transport, and processing of toxic or hazardous substances which may endanger the health, welfare, and safety of persons who live and work in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations for solutions to the problem of disposal of low-level radioactive waste and the handling, storage, use, transport, and processing of toxic or hazardous substances together with any legislation required to implement the recommendations to the Forty-ninth Legislative Assembly.

Filed March 21, 1983

CHAPTER 765

HOUSE CONCURRENT RESOLUTION NO. 3049 (Erdman)

TOWNSHIP ROAD ASSISTANCE STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the methods for the provision of financial assistance to townships for the repair of township roads damaged by hunting and fishing activities.

WHEREAS, hunting activity in this state is popular and widespread; and

WHEREAS, hunting and fishing activities in the state result in heavy seasonal use of township roads; and

WHEREAS, hunting and fishing activities utilizing township roads have a negative effect on the state of repair of these roads; and

WHEREAS, townships do not have the financial resources to repair the damage to township roads resulting from hunting and fishing activities;

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

That the Legislative Council is directed to study the methods for providing financial assistance to townships for the repair of township roads damaged by hunting and fishing activities, with emphasis on the use of an increase in hunting and fishing license and permit fees as the source of revenue for this purpose; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 766

HOUSE CONCURRENT RESOLUTION NO. 3051
(Unhjem, Hamerlik)

WETLANDS PRESERVATION STUDY

A concurrent resolution directing the Legislative Council to study methods and practices which would promote the preservation and restoration of wetlands in the state.

WHEREAS, the state of North Dakota contains thousands of acres of wetlands which play an integral role in the ecosystem by serving as a holding and filtering system for water and as a home to countless species of flora and fauna; and

WHEREAS, the total acreage of wetlands in the state is being constantly diminished by drainage; and

WHEREAS, inventory, evaluation, management, and preservation of wetlands is a matter of statewide concern, and of national and international concern as it affects wildlife; and

WHEREAS, alternative methods may exist by which the state may encourage landowners to preserve or restore wetland areas;

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

That the Legislative Council study and evaluate methods and practices which would promote the preservation and restoration of wetland areas with particular emphasis on tax incentives and other methods to encourage landowners to preserve or restore wetlands on private land; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 767

HOUSE CONCURRENT RESOLUTION NO. 3052 (Unhjem)

UNIFORM LAWS STUDY

A concurrent resolution to direct the Legislative Council to conduct a study of the desirability of adopting uniform laws in the areas of arbitration, eminent domain, consumer sales practices, common interest ownership, transboundary pollution, and to study the existing Articles VIII and IX of the Uniform Commercial Code.

WHEREAS, it is a legislative responsibility to review existing statutes to ensure they are modern, understandable, efficient, and properly address the problems which they are intended to rectify; and

WHEREAS, uniform acts covering many different areas of the law have been drafted for the possible use by the states; and

WHEREAS, the purpose of uniform laws is to ensure even application of the law throughout this country; and

WHEREAS, this state has adopted many uniform laws, but has not adopted uniform laws in the subject areas of arbitration, eminent domain, consumer sales practices, common interest ownership, and transboundary pollution; and

WHEREAS, Articles VIII and IX of the Uniform Commercial Code, which deal with investment securities and secured transactions, were initially adopted in this state in 1965 and should be reviewed to determine whether proposed amendments should be adopted;

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

That the Legislative Council conduct a study of the desirability of the adoption of the Uniform Arbitration Act, the Uniform Eminent Domain Code, the Uniform Consumer Sales Practices Act, the Uniform Common Interest Ownership Act, the Uniform Transboundary Pollution Reciprocal Access Act, and to study proposed amendments to Articles VIII and IX of the Uniform Commercial 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-ninth Legislative Assembly.

CHAPTER 768

HOUSE CONCURRENT RESOLUTION NO. 3053
(Committee on Appropriations)

STATE LABORATORIES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and efficiency of placing all state laboratories in a central laboratory facility; to determine methods which reduce costs and better utilize laboratory space and equipment; and to analyze the building and other costs of such a consolidation.

WHEREAS, the State Laboratories Department, State Department of Health, Department of Weights and Measures of the Public Service Commission, Highway Department, and the State Water Conservation Commission all operate laboratories, most functioning at separate facilities; and

WHEREAS, there exists duplication in facilities, equipment, personnel, and testing at the various laboratories within the state; and

WHEREAS, some laboratories operating within the state are in need of additional space while others do not fully utilize the space now occupied; and

WHEREAS, this lack of coordination between the laboratories has resulted in a loss of functional, cost, and personnel efficiency; and

WHEREAS, the consolidation of these laboratories into one facility may require the construction of additional space to the selected central facility;

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

That the Legislative Council is hereby directed to conduct a study of the feasibility and efficiency of placing all state laboratories in a central laboratory facility; determine methods which reduce costs and better utilize space and equipment; and to analyze the building and other costs of such a consolidation; 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-ninth Legislative Assembly.

Filed March 15, 1983

CHAPTER 769

HOUSE CONCURRENT RESOLUTION NO. 3054
(Vig, Laughlin, Gorder)

GAMES OF CHANCE MONEY MONITOR STUDY

A concurrent resolution directing the Legislative Council to study methods to monitor or verify amounts of money exchanged in the conduct of games of chance in the state.

WHEREAS, the electors of the state in 1976 authorized the Legislative Assembly to permit by law bona fide nonprofit veterans', charitable, educational, religious, or fraternal organizations, civic and service clubs, and other public-spirited organizations, to conduct games of chance when the entire net proceeds are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses; and

WHEREAS, the conduct of games of chance has grown into a major industry in the state, with eligible organizations collecting more than \$20 million per year in adjusted gross proceeds; and

WHEREAS, it is incumbent upon the Legislative Assembly to assure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses; and

WHEREAS, the state does not monitor or verify the actual amount of money which changes hands in the conduct of games of chance;

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

That the Legislative Council study methods to monitor or verify the amount of money which changes hands in the conduct of games of chance, with emphasis on the feasibility and desirability of requiring electronic or mechanical devices and methods of verification by law enforcement officials to count or record the amount of money exchanged in games of chance; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 770

HOUSE CONCURRENT RESOLUTION NO. 3055
(Koski, Murphy)

PETITION REQUIREMENTS STUDY

A concurrent resolution directing the Legislative Council to study statutes relating to petition requirements.

WHEREAS, Section 5 of Article I of the Constitution of North Dakota provides that citizens have a right to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition; and

WHEREAS, state law provides procedures to petition governing bodies with respect to numerous topics; and

WHEREAS, these procedures vary with respect to the percentage of people required to petition a particular governmental body and the type of verification required of the petitions; and

WHEREAS, uniformity of the statutes relating to the right to petition government would reduce confusion as to the requirements that apply to a particular petition;

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

That the Legislative Council study the statutes relating to the petition of governmental bodies, with emphasis on petition requirements, verification requirements, and the feasibility and desirability of achieving uniformity; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 771

HOUSE CONCURRENT RESOLUTION NO. 3056 (Martinson, Jacobson)

RETIREMENT PLANS STUDY

A concurrent resolution directing the Legislative Council to study the laws and actuarial soundness of the plans involving firemen's retirement, Vehicle Equipment Safety Commission employees' retirement, municipal employees' retirement, and National Guard retirement.

WHEREAS, North Dakota Century Code Chapters 18-05 and 18-11 establish the Firemen's Relief Association Plan and the Alternate Firemen's Relief Association Retirement Plan, respectively; and

WHEREAS, North Dakota Century Code Chapter 39-23 authorizes a retirement program for employees of the Vehicle Equipment Safety Commission pursuant to the Vehicle Equipment Safety Compact; and

WHEREAS, North Dakota Century Code Chapter 40-46 provides for municipal employees' pensions by permitting cities to levy a tax and to assess employees for retirement purposes; and

WHEREAS, North Dakota Century Code Chapter 52-11 provides that the North Dakota National Guard may contract with private businesses for the establishment of a retirement program for members of the National Guard; and

WHEREAS, the public retirement programs should be examined periodically and reviewed to ensure that they are meeting the goals for which they were established and to ensure their continued actuarial soundness;

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

That the Legislative Council study the Firemen's Relief and Pension Fund, the Alternate Firemen's Relief Association Retirement Plan, the Vehicle Equipment Safety Commission employees' retirement plan, the retirement plans for municipal employees' under North Dakota Century Code Chapter 40-46, and National Guard retirement, with emphasis on a review of the actuarial standards and soundness of the systems, their funding mechanisms, benefits, and coverage; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 772

HOUSE CONCURRENT RESOLUTION NO. 3057 (Martinson, Jacobson)

HIGHWAY PATROLMEN'S RETIREMENT STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the Highway Patrolmen's Retirement System.

WHEREAS, North Dakota Century Code Chapter 39-03.1 establishes the Highway Patrolmen's Retirement System; and

WHEREAS, North Dakota Century Code Chapter 39-03.1 establishes maximum contribution levels for the state and members of the highway patrolmen's retirement system which limit the amount of benefits accruable under the system; and

WHEREAS, the members of the highway patrolmen's retirement system are not eligible for Social Security benefits; and

WHEREAS, the Forty-eighth Legislative Assembly has transferred the duties of the state highway commissioner regarding enforcement of the laws relating to size, weight and load limitations, and other matters to the highway patrol which has the effect of dissolving the truck regulatory division of the state highway department; and

WHEREAS, many members of the truck regulatory division will be transferred to the state highway patrol; and

WHEREAS, the state highway patrol has a retirement system different from that of the truck regulatory division and it is incumbent upon the Legislative Assembly to insure that the state employees are treated fairly concerning retirement benefits; and

WHEREAS, North Dakota Century Code Chapter 40-45 authorizes police pension systems in cities having organized police departments; and

WHEREAS, North Dakota Century Code Chapter 40-46 authorizes city employee pension plans which may or may not cover members of municipal police forces; and

WHEREAS, North Dakota Century Code Chapter 54-52 establishes the Public Employees Retirement System, which provides coverage for the state security personnel, truck regulatory personnel, and also coverage for employees of participating political subdivisions; and

WHEREAS, the several retirement systems provide various levels of retirement, disability, and survivor's benefits for law enforcement personnel; and

WHEREAS, a single statewide retirement system for law enforcement personnel may result in increased benefits through unified investment planning and unified administration;

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

That the Legislative Council is directed to conduct a study of the Highway Patrolmen's Retirement System, which is to include a review of the funding mechanism of the system, the benefit limitations of the system, Social Security eligibility under the system, and coverage of the system, with emphasis on the feasibility and desirability of expanding the system to cover other law enforcement personnel and members of the highway patrol transferred from the truck regulatory division; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 773

HOUSE CONCURRENT RESOLUTION NO. 3059
(Vander Vorst)

AGRICULTURE EDUCATION IN SCHOOLS STUDY

A concurrent resolution directing the Legislative Council to study agriculture education in school curriculums and to study programs which will promote awareness of the importance of agriculture in the education system of North Dakota.

WHEREAS, agriculture is the number one industry in the United States, employing over 23 million people which is fully one-fifth of the nation's work force; and

WHEREAS, agriculture generates an annual revenue average of \$150 billion nationwide, and \$3 billion in North Dakota; and

WHEREAS, agriculture is the one historic and economic cohesive fiber of the state of North Dakota; and

WHEREAS, North Dakota Century Code section 15-38-07 requires elements of agriculture to be taught in the public and private schools in the state; and

WHEREAS, many teachers are unable to provide a balanced view of the needs of the two percent of the nation's population actively engaged in the production of the food and fiber for this nation and much of the world; and

WHEREAS, North Dakota, with 22 percent of its population engaged in agriculturally related industry, could provide a model education program for states by developing teacher training and curriculum materials which make the importance of agriculture an integral part of the education system;

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

That the Legislative Council study agriculture education in school curriculums and programs which will promote awareness of the importance of agriculture in the education system of North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Council may consult with the Department of Agriculture, Department of Public Instruction, Board of Higher Education, Board of Vocational Education, agriculture organizations, and commodity groups; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 774

HOUSE CONCURRENT RESOLUTION NO. 3060
(Representatives Olafson, Brokaw, W. Meyer)
(Senators Nething, Vosper)

AGRICULTURAL COMMODITIES EXPORT STUDY

A concurrent resolution directing the Legislative Council to study agricultural commodities export financing and marketing techniques; local processing of agricultural commodities; and innovative uses of the Bank of North Dakota, state mill and elevator, agricultural commodities groups, commissioner of agriculture, northern crops institute, and other state agencies in an effort toward discovering alternatives to promote the enhancement of agricultural commodities prices.

WHEREAS, the state's agricultural sector has experienced an extraordinary series of debilitating events during the past four years including the grain handlers strike and agricultural embargoes; and

WHEREAS, the state currently has a massive supply of stored commodities including more than 400 million bushels of wheat and 100 million bushels of barley; and

WHEREAS, traditional export markets have been taken by the European Economic Community, Brazil, Argentina, and other competitors as a result of disastrous foreign policies and unfair competition practices; and

WHEREAS, the United States has been forced to institute acreage reduction and payment-in-kind programs while our international competitors are encouraging expansion in acreage planted and production; and

WHEREAS, North Dakota has unique institutions including the Bank of North Dakota and the state mill and elevator which could be utilized in the export marketing of agricultural products; and

WHEREAS, average farm prices for all agricultural commodities are currently at 54 percent of parity while production costs have increased 57 percent since 1977; and

WHEREAS, it is in the best interest of the people of North Dakota for state government to make every reasonable effort to protect the integrity and stability of our agricultural economy;

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

That the Legislative Council conduct a study of agricultural commodities export financing and marketing techniques; local processing of agricultural commodities; and innovative uses of the Bank of North Dakota, state mill and elevator, agricultural commodity groups, commissioner of agriculture, northern crops institute, and other state agencies in an effort to determine alternatives to promote the enhancement of agricultural commodities prices; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 775

HOUSE CONCURRENT RESOLUTION NO. 3061
(Kretschmar)

GAME AND FISH PENALTIES STUDY

A concurrent resolution directing the Legislative Council to study the penalty provisions in the game and fish laws of this state.

WHEREAS, there are approximately 31 sections in Title 20.1 of the North Dakota Century Code which establish various penalties for violation of the game and fish laws of this state; and

WHEREAS, 17 of these sections establish Class B misdemeanor criminal penalties and 11 of these sections establish infraction criminal penalties; and

WHEREAS, many of the Class B misdemeanor penalties apply broadly to prohibited activities within a chapter under Title 20.1 for which a specific penalty has not been established; and

WHEREAS, the courts involved in adjudicating the many possible crimes under the game and fish laws of this state may be unnecessarily burdened thereby;

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

That the Legislative Council study the penalty provisions of the game and fish laws of the state, with emphasis on determining the desirability of establishing noncriminal rather than criminal penalties for certain offenses; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 776

HOUSE CONCURRENT RESOLUTION NO. 3062 (Koski, Black, Conmy)

MOBILE HOME LAWS AND RULES STUDY

A concurrent resolution directing the Legislative Council to study the effect of state laws and administrative rules on mobile homes and mobile home ownership, particularly with respect to laws and regulations affecting mobile home taxation, safety, and mobile home parks.

WHEREAS, laws and administrative rules of this state apply to all facets of ownership and occupancy of mobile homes; and

WHEREAS, mobile homes are becoming increasingly popular as housing in the state; and

WHEREAS, many aspects of mobile home ownership and taxation differ substantially from ownership of other types of residential property, particularly with regard to landlord-tenant relationships and regulation of mobile home parks; and

WHEREAS, it appears that many aspects of mobile home ownership and taxation may not be properly addressed by present laws, particularly with respect to the relationship between taxes imposed on mobile homes and other types of residential property; and

WHEREAS, it appears that thorough study is needed to determine the needs of mobile home owners and taxing authorities and whether these needs are presently being met by North Dakota's laws and rules dealing with mobile homes;

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

That the Legislative Council study the effect of state laws and administrative rules on mobile homes and mobile home ownership, particularly with respect to laws and rules affecting mobile home taxation, safety, and mobile home parks; 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-ninth Legislative Assembly.

Filed March 18, 1983

CHAPTER 777

HOUSE CONCURRENT RESOLUTION NO. 3063
(Gerl, Wentz, Schneider)

BUSINESS CLOSINGS STUDY

A concurrent resolution directing the Legislative Council to study the impacts and problems associated with business closings in this state.

WHEREAS, economic conditions prevalent in the nation and in this state are causing several businesses to end their operations and close their doors; and

WHEREAS, business closings in small towns endanger their viability as a place to live and work; and

WHEREAS, business closings result in increased unemployment which may increase crime, child and spouse abuse, suicide, and other mental and social problems; and

WHEREAS, the unemployment resulting from business closings increases the need and demand for social welfare services such as unemployment benefits, medical and mental health care, housing assistance, family nutritional assistance, and job finding, placement, and creation;

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

That the Legislative Council study the economic, social, and personal impacts resulting from business closings in this state, with emphasis on the state and city contingency assistance plans currently in place to reduce the adverse impacts of business closings and the types of contingency assistance plans that should be in place to help reduce the adverse impacts of business closings; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 778

HOUSE CONCURRENT RESOLUTION NO. 3064
(Stofferahn, Schindler, Retzer, W. Williams)

STATE LAND PURCHASE TAX IMPACT STUDY

A concurrent resolution directing the Legislative Council to study effects on political subdivision tax bases of purchases of privately owned land by the state and methods to alleviate any negative impact of such purchases on tax revenues of political subdivisions.

WHEREAS, land owned by the state is exempt from ad valorem property taxes; and

WHEREAS, ad valorem property taxes constitute the largest source of tax revenue to political subdivisions; and

WHEREAS, purchase of private lands by the state removes those lands from the tax rolls of all political subdivisions in which the lands are located, even though the lands may be leased by the state to private persons; and

WHEREAS, loss of tax revenues from state purchase of private lands may have a serious impact on revenues of political subdivisions;

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

That the Legislative Council study effects on political subdivision tax bases of purchases of privately owned land by the state and leases of that land by the state to private persons, with particular emphasis on methods to assess and alleviate any negative impacts of purchases of private lands by 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 779

HOUSE CONCURRENT RESOLUTION NO. 3065
(Sanstead, Gorder)

STATE CONSULTING FIRM USE STUDY

A concurrent resolution directing the Legislative Council to study state agency retention of private consulting firms and individuals.

WHEREAS, state agencies spend large amounts of money to retain private persons to provide technical consultation and planning advice; and

WHEREAS, no report is available on how many private consulting contracts are entered into over the course of a year by state agencies; and

WHEREAS, some state agencies extensively use private consultants in the carrying out of their public functions, while other agencies do not rely on outside consulting advice with reference to their operations; and

WHEREAS, direct employment of specialists and professionals by state agencies might reduce or eliminate the need to retain private consultants, with a cost savings to the state; and

WHEREAS, a few state agencies have retained private consulting firms and individuals on the basis of the political partisanship; and

WHEREAS, selection of private consultants on the basis of political partisanship often results in inferior technical or professional consulting advice;

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

That the Legislative Council study the practices of state agencies in retaining private consultants, with emphasis on the number of outside consultants hired by each state agency over an annual period, the cost of the consultants, and the feasibility and desirability of reducing the use of private consultants without impairing the operational effectiveness of state agencies; 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-ninth Legislative Assembly.

CHAPTER 780

HOUSE CONCURRENT RESOLUTION NO. 3067
(Strinden, Backes)

STATE FACILITY USE STUDY

A concurrent resolution directing the Legislative Council to study the possible uses of existing state facilities and the needs of the state in order to establish the highest and best use of state facilities.

WHEREAS, it is the responsibility of the state to ensure the wisest and most efficient use of the state's resources; and

WHEREAS, this state may have many existing facilities which are not presently being put to their highest and best use; and

WHEREAS, the citizens of this state would be better served if existing state facilities are put to their highest and best use;

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

That the Legislative Council study the possible uses of existing state facilities and the needs of the state, with emphasis on the establishment of priorities for the possible uses and needs of state facilities in order to establish their highest and best use; 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-ninth Legislative Assembly.

Filed March 15, 1983

CHAPTER 781

HOUSE CONCURRENT RESOLUTION NO. 3068
(Strinden)

TAX COLLECTION AND DEPOSIT STUDY

A concurrent resolution directing the Legislative Council to study methods and practices to provide for more efficient and prompt collection of taxes by the state with particular emphasis on a system for tax deposit by taxpayers and the transfer of tax revenues through financial institutions in this state.

WHEREAS, it is projected that in the 1983-85 biennium the state will collect more than \$300 million in sales and use taxes and more than \$300 million in other taxes which are principally collected and paid by industries and businesses in this state; and

WHEREAS, the state presently expends substantial amounts of time and money in collection of these tax revenues; and

WHEREAS, the present tax collection system involves considerable delay in receipt by the state of tax revenues; and

WHEREAS, the federal government presently collects taxes from businesses using a tax deposit system which might be adapted to use within the state and may enhance revenues by earlier receipt by the state; and

WHEREAS, alternatives for more efficient and prompt collection of taxes by the state should be examined with the objective of making the tax collection process simpler and more prompt and efficient for the benefit of the state and taxpayers;

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

That the Legislative Council study and evaluate methods and practices to provide more efficient and prompt collection of taxes by the state with particular emphasis on tax deposit by taxpayers and the transfer of tax revenues through financial institutions in the state to the Tax Department; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 782

HOUSE CONCURRENT RESOLUTION NO. 3069 (G. Pomeroy, Murphy)

SCHOOL DISTRICT INCOME TAX STUDY

A concurrent resolution directing the Legislative Council to study the viability of a school district income tax as a means of either replacing or supplementing local property tax revenues.

WHEREAS, school districts in this state, particularly those in rural areas, are experiencing increasing budgetary pressures attributable to limited tax revenues and rising operational costs; and

WHEREAS, under current law, school districts are limited to the imposition of property tax levies as a means of financing the districts' local responsibility for the funding of educational programs; and

WHEREAS, the owners of real property within a school district are forced to shoulder a disproportionate burden of financing public elementary and secondary education; and

WHEREAS, a tax imposed on the personal incomes of all persons residing in a school district might prove to be a viable option to either replace or augment school district revenues derived from property taxation; and

WHEREAS, House Bill No. 1264 has proposed one approach to imposition of an income tax on a school district level, and if enacted by the Forty-eighth Legislative Assembly the effectiveness and impact of this school district income tax scheme should be studied thoroughly;

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

That the Legislative Council study the viability of a school district income tax as a means of either replacing or supplementing local property tax revenues to fund a school district's local school finance responsibility or if House Bill No. 1264 is enacted, that the Legislative Council study the effectiveness and impact of the school district income tax scheme provided for in that bill; 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-ninth Legislative Assembly.

CHAPTER 783

HOUSE CONCURRENT RESOLUTION NO. 3070
(Martinson)

INVESTMENT POWERS STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the investment powers of the State Investment Board and the investment of funds of the Public Employees Retirement System.

WHEREAS, under Chapter 21-10 of the North Dakota Century Code the State Investment Board is charged with the investment of certain funds enumerated in that chapter, including the Teachers' Fund for Retirement; and

WHEREAS, the State Investment Board is charged with approving general types of securities for investments by, and setting policies and procedures regulating securities transactions on behalf of, these funds; and

WHEREAS, the funds of the Public Employees Retirement System are held and invested by funding agents authorized by the Public Employees Retirement Board; and

WHEREAS, the total amount of dollars in the funds under the management of the State Investment Board and the Public Employees Retirement System presently exceeds \$380 million;

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

That the Forty-eighth Legislative Assembly direct the Legislative Council to conduct a study of the investment powers of the State Investment Board and the investment of the funds of the Public Employees Retirement System; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 784

HOUSE CONCURRENT RESOLUTION NO. 3071
(Black, Hill, Halmrast)

PUBLIC SCHOOL DRUG ABUSE STUDY

A concurrent resolution directing the Legislative Council to study the problems of drug and alcohol abuse in public schools and the role the public schools should occupy in prevention efforts, counseling, and interagency cooperation which may be required to effectively address the problems of drug and alcohol abuse in the schools.

WHEREAS, drug and alcohol abuse by elementary and secondary school students in North Dakota has become a progressively serious problem; and

WHEREAS, drug and alcohol abuse is causing emotional, mental, and physical effects which hinder the quality of education provided to all students; and

WHEREAS, many schools in this state are experiencing great difficulties in dealing with students who abuse drugs and alcohol; and

WHEREAS, public school districts in North Dakota are charged with a responsibility to provide the optimum quality of education possible for all students enrolled; and

WHEREAS, there is a need for public schools in this state to become involved to a greater degree in prevention efforts, counseling, and interagency cooperation necessary to effectively address the growing problem of drug and alcohol abuse in the schools;

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

That the Legislative Council study the problems of drug and alcohol abuse in public schools in North Dakota and the role which the public schools should occupy in prevention efforts, counseling, and interagency cooperation which may be required to effectively address the growing problems of drug and alcohol abuse in the schools; 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-ninth Legislative Assembly.

CHAPTER 785

HOUSE CONCURRENT RESOLUTION NO. 3072
(Koski, Unhjem, Lardy)

REVOLVING FUNDS STUDY

A concurrent resolution directing the Legislative Council to study the functions and purposes of revolving funds.

WHEREAS, state law creates a number of revolving funds administered by various agencies of state government; and

WHEREAS, these revolving funds are generally characterized by continuing appropriations made at the time the funds were created; and

WHEREAS, a continuing appropriation removes the Legislative Assembly from a biennial review of the operation of the funds; and

WHEREAS, revolving funds dedicate public moneys; and

WHEREAS, there has been no review of the revolving funds administered by state agencies, and in a period of severely limited state revenues there should be a close scrutiny given to the operation of revolving funds at the state level of government;

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

That the Legislative Council study the functions and purposes of state revolving funds, with emphasis on assessing their effectiveness in addressing their intended objectives; 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-ninth Legislative Assembly.

Filed March 18, 1983

CHAPTER 786

HOUSE CONCURRENT RESOLUTION NO. 3073
(Sinner, R. Anderson, Hughes, Riehl)

ENERGY INDUSTRY TAX STUDY

A concurrent resolution directing the Legislative Council to study taxation of the energy industry and to obtain consulting services to aid in the study.

WHEREAS, the energy industry, from extraction from the earth of energy sources, conversion or refining of source minerals, and distribution of energy, has assumed a growing prominence in the state's economic structure and has thus become a significant influence on the tax revenues of the state and its political subdivisions; and

WHEREAS, the energy industry in the state produces coal, oil, gas, electricity, and other energy sources which compete with one another in the marketplace; and

WHEREAS, taxation should not unfairly burden a single energy source so as to hamper its ability to compete in the marketplace with other energy sources; and

WHEREAS, the state imposes differing taxes on energy sources, energy conversion, distribution, and consumption, and a comprehensive review of the interrelationship of all taxes affecting the energy industry has not been undertaken; and

WHEREAS, the extreme complexity of the energy industry and the taxes imposed on the industry demand expert analysis which would benefit the industry and the state;

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

That the Legislative Council is directed to study the overall effect of taxation of the energy industry and to obtain consulting services to aid in 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 787

HOUSE CONCURRENT RESOLUTION NO. 3074
(Representatives DeMers, Peltier, Gorder)
(Senators Heigaard, Tennefos)

HEALTH CARE SERVICES STUDY

A concurrent resolution directing the Legislative Council to study methods of increasing access to health promotion, prevention, and primary care services and to study methods to contain the costs of those services.

WHEREAS, the Forty-eighth Legislative Assembly affirms the position that an optimal level of health is an appropriate goal for all North Dakota citizens; and

WHEREAS, the more urban areas of the state contain a disproportionate share of the state's health resources in relation to programs, manpower, and health care facilities; and

WHEREAS, the distribution of physicians is characteristic of the maldistribution of all health care resources inasmuch as the state's 10 most populous counties contain 57 percent of the general population and 81 percent of the practicing physicians; and

WHEREAS, the problem of maldistribution of health resources within the state has grown worse in recent years; and

WHEREAS, while the rate of increase in total health expenditures during 1980 and 1981 was 15.2 percent and 15.1 percent respectively, the rate of increase in total health expenditures in North Dakota has grown even faster; and

WHEREAS, the health care financing industry lacks certain basic factors of the classical free market economic system including fiscal responsibility, competition among providers, and free entry and exit from the industry; and

WHEREAS, government paid 12 percent of all health care costs in 1965 and over 43 percent of all health care costs in 1980, which makes government the largest single financier of the health care industry; and

WHEREAS, the current North Dakota state health plan sets as its goals the improvement of the population's health, increasing the

population's access to health promotion, prevention, and primary services, and containing the costs of health care; and

WHEREAS, the relationship between individual health status, access to health services, and health care cost containment is direct and reciprocal;

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

That the Legislative Council is directed to study methods of increasing access to health promotion, prevention, and primary care services and to study methods to contain the costs of those services; 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-ninth Legislative Assembly.

Filed March 22, 1983

CHAPTER 788

HOUSE CONCURRENT RESOLUTION NO. 3076
(Nowatzki, Gorder, Serenus Hoffner)

PUBLIC TV IN SCHOOLS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of using the existing facilities of public television to make available specialized instruction in elementary and secondary schools of the state.

WHEREAS, many rural school districts with low populations and property valuations are fiscally restricted in the educational programs they can provide; and

WHEREAS, the costs in personnel and equipment involved in providing certain types of specialized education are prohibitive for many school districts; and

WHEREAS, the state presently has a system of public television transmitting facilities which cover virtually all regions of the state; and

WHEREAS, this system provides a potential vehicle through which regular instructional programs in specialized subject areas could be made available to school districts, particularly rural ones, which do not presently offer such programs; and

WHEREAS, use of existing public television facilities to provide specialized educational programming to school districts offers the possibilities of enhanced elementary and secondary school curricula and stabilization or reduction of district operational costs;

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

That the Legislative Council study the feasibility and desirability of using facilities of public television to make specialized instruction programs available in elementary and secondary schools in this state which are presently unable to provide such curriculum elements; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 789

HOUSE CONCURRENT RESOLUTION NO. 3077
(Representatives Swiontek, Knudson, Jacobson)
(Senators Peterson, Nelson)

SCHOOLS AND EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study elementary and secondary school finance; the effects on students of nonacademic extracurricular activities and absenteeism; the position of county superintendent of schools; the reorganization, annexation, and dissolution of school districts; the minimum high school curriculum and the length of school terms; the duties and responsibilities of elementary and secondary school teachers; and the future provision of special education programs in this state.

WHEREAS, there appear to be some inequities in the existing distribution formula used in financing elementary and secondary schools; and

WHEREAS, nonacademic extracurricular activities are keeping many secondary school pupils away from the classroom during regular school hours; and

WHEREAS, the effects of all absences from the classroom in terms of secondary students' abilities to master vital academic courses have not been studied and quantified; and

WHEREAS, there have been great changes in the demographics of public school districts since the position of county superintendent of schools was created by the Legislative Assembly in 1890; and

WHEREAS, the entire process of school district annexation, reorganization, and dissolution under Chapter 15-53.1 of the North Dakota Century Code is confusing; and

WHEREAS, the complex nature and long-term implications of restructuring school district annexation, reorganization, and dissolution necessitate a complete interim study with the objective of arriving at a more clearly expressed and constitutionally compatible statutory scheme governing district boundary change processes; and

WHEREAS, the minimum high school curriculum and length of school terms prescribed by statute may not reflect contemporary educational needs of public school students; and

WHEREAS, the duties and responsibilities of elementary and secondary school teachers in current law may be obsolete; and

WHEREAS, the provision of services and programs in special education has become an increasingly important consideration in public school education, and study is needed concerning the delivery of special education programs and services in the coming years;

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

That the Legislative Council is directed to study elementary and secondary school finance, with a particular view toward whether there should be a change in the present system of providing state funding to school districts; the effects on students of nonacademic extracurricular activities and absenteeism; the position of the county superintendent of schools; the reorganization, annexation, and dissolution of school districts; the minimum high school curriculum and length of school terms; the duties and responsibilities of elementary and secondary school teachers; and the future provision of special education in this 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 790

HOUSE CONCURRENT RESOLUTION NO. 3079
(Representatives Brokaw, Shockman, W. Williams)
(Senators Barth, Wogsland, Kusler)

RAIL ABANDONMENT MINERALS STUDY

A concurrent resolution directing a Legislative Council study of railroad abandonment and the possibility of the forfeiture of mineral interests on land grant holdings when rail lines are abandoned.

WHEREAS, Burlington Northern railroad's predecessors received millions of acres of federal land in this and other states to encourage and assist in railroad construction; and

WHEREAS, the total land grants enjoyed by the railroad represent nearly a quarter of the total land area of this state; and

WHEREAS, the Burlington Northern through its predecessors received more grant land than any other railroad; and

WHEREAS, the land grant railroads have retained ownership of some land and much of the mineral rights obtained through the land grants; and

WHEREAS, these land and mineral rights are extremely valuable, in that they contain farmland, coal, oil, gas, timber, and other resources; and

WHEREAS, the land grant railroads derive significant income from these land and mineral rights; and

WHEREAS, the land grant railroads have also formed holding companies to separate the land, mineral, and natural resource assets from their railroad operations; and

WHEREAS, the land grant railroads, and particularly Burlington Northern, have announced intentions to abandon a significant portion of branchline networks in the next few years; and

WHEREAS, rail transportation is vitally necessary to North Dakota to gather and ship agricultural and other commodities; and

WHEREAS, the abandonment of branchlines will result in a shift in fiscal responsibilities from the private sector to the public sector to maintain a road and highway system;

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

That the Legislative Council study railroad abandonments, especially the possibility of the forfeiture of mineral interests on land grant holdings in the event of abandonment of rail lines; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 791

HOUSE CONCURRENT RESOLUTION NO. 3081 (Stofferahn)

IRRIGATION STUDY

A concurrent resolution directing the Legislative Council to study the criteria used for issuance of water permits for irrigation, the effect of irrigation on ground water supplies, the effect of irrigation on the soil quality of the land to be irrigated, and the effect of irrigation on neighboring landowners.

WHEREAS, although this state is presently irrigating approximately 210,000 acres, it is estimated that over 2.5 million acres are irrigable; and

WHEREAS, approximately one-half of the acres currently being irrigated are supplied from ground water sources; and

WHEREAS, if the use of ground water sources for irrigation increases, depletion of the aquifers being utilized may occur if the amount of irrigation is excessive; and

WHEREAS, the criteria for the issuance of water permits for irrigation from the State Water Conservation Commission does not directly take into consideration the effect of irrigation on the soil quality of the land to be irrigated; and

WHEREAS, the soil quality of irrigated land may be appreciably diminished if the water used for irrigation is not compatible with the soil characteristics; and

WHEREAS, irrigation of land may cause certain problems for neighboring landowners; and

WHEREAS, these problems pit neighbor against neighbor and divide communities; and

WHEREAS, it is in the best interests of the citizens of this state to maintain and strengthen the positive course presently taken in regard to irrigation in North Dakota;

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

That the Legislative Council conduct a study of the appropriation of water for irrigation in this state, with emphasis on the effect of irrigation on ground water sources, the effect on soil quality resulting from irrigation, and problems of irrigation experienced by those who irrigate and neighboring landowners; and

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

Filed March 22, 1983

CHAPTER 792

HOUSE CONCURRENT RESOLUTION NO. 3082 (Black)

TEACHER CONTRACT RENEWAL STUDY

A concurrent resolution directing the Legislative Council to study the entire subject of renewal and nonrenewal of employment contracts between teachers and public school districts in this state.

WHEREAS, the Legislative Assembly recognizes the importance of sound employer-employee relationships between school boards and teachers employed in public school systems; and

WHEREAS, the renewal or nonrenewal of teachers' contracts is extremely sensitive and implicates a multiplicity of considerations relating to the careers of individual teachers and the needs of an efficient and high quality public school system; and

WHEREAS, present law with respect to the procedural processes governing teacher renewal and nonrenewal may not fully address important aspects of the employment relationship between teachers and school districts; and

WHEREAS, a comprehensive study should be undertaken with the objective of arriving at teacher renewal and nonrenewal processes which properly balance the legitimate interests of both teachers and the public school districts which employ them;

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

That the Legislative Council study the entire subject of renewal and nonrenewal of employment contracts between teachers and public school districts in this 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 793

HOUSE CONCURRENT RESOLUTION NO. 3083
(Meiers, Halmrast, Strinden, Kingsbury, D. Olsen)

DEVELOPMENTALLY DISABLED RESPONSIBILITY STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of requiring the residents, spouses, or families of individuals receiving services to make financial contributions toward the support of those persons who are placed in state and community facilities; to study other sources of revenue and financing techniques which may be available for the financing of those facilities; to study the financial responsibilities of persons at all state facilities under the auspices of the Director of Institutions and the Jamestown State Hospital; and to determine what fees and costs are currently being charged by other similar institutions providing medical, educational, and other services.

WHEREAS, the Legislative Assembly recognizes the medical, educational, and other needs of individuals receiving services living in North Dakota; and

WHEREAS, North Dakota has assumed certain responsibilities for the care of individuals receiving services at both state and community facilities; and

WHEREAS, rapidly increasing health care, construction, and other costs make it increasingly difficult for the state to continue meeting the financial needs of those state and community facilities; and

WHEREAS, new construction and additional personnel are necessary for the continued care of individuals receiving services at state facilities and group homes or similar community facilities; and

WHEREAS, it may be necessary to require financial contributions toward the support of individuals receiving services placed in state and community facilities by the residents, spouses, or families of those persons; and

WHEREAS, fees and costs charged by similar facilities for services to individuals and other medical, educational, and other services should be reviewed; and

WHEREAS, other sources of revenue and financing techniques may be available to help meet the financial needs of these facilities; and

WHEREAS, the costs of all state institutions under the auspices of the Director of Institutions and of the Jamestown State Hospital have greatly increased; and

WHEREAS, there has been increased demand for community facilities for many who presently are or would otherwise be placed in a state facility under the auspices of the Director of Institutions or of the Jamestown State Hospital;

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

That the Legislative Council is directed to conduct a study of the feasibility of requiring the residents, spouses, or families of individuals receiving services to make financial contributions toward the support of those persons placed in state and community facilities, to study other sources of revenue and financing techniques which may be available to contribute toward the financing of those facilities, to study the financial responsibilities of persons at all state facilities under the auspices of the Director of Institutions and of the Jamestown State Hospital and community facilities serving the same clientele, and to determine what fees and costs are currently being charged by other similar institutions providing medical, educational, and other services; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 794

HOUSE CONCURRENT RESOLUTION NO. 3084
(Representatives Boyle, Gorder, Nowatzki)
(Senator Olson)

PUBLIC SERVICE COMMISSION STUDY

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

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

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

WHEREAS, there are areas of regulation not presently subject to the jurisdiction of the North Dakota Public Service Commission such as the regulation of the oil and gas industry, intrastate air carriers, and cable television; and

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

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

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

BE IT FURTHER RESOLVED, the Legislative Council is further directed to also study the possibility of expanding the commission to five members elected from districts versus election at-large; and

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

CHAPTER 795

HOUSE CONCURRENT RESOLUTION NO. 3085
(Hill, Serenus Hoffner)

THIRD-PARTY PAYOR'S STUDY

A concurrent resolution directing the Legislative Council to conduct a study to determine services for which businesses or professional service providers charge third-party payors higher rates than those rates charged private paying persons receiving similar services and to study alternatives to limit this practice.

WHEREAS, private parties receive services through third-party payors who are responsible to reimburse businesses and professionals for services provided in many fields including health care, automobile replacement and repairs, property loss and damage, and legal services; and

WHEREAS, some of the providers of these services may charge third-party payors higher rates than those rates charged to private paying persons for similar services; and

WHEREAS, the practice of charging third-party payors higher rates results in an unjust enrichment to the service provider and unfairly shifts those service expenses to the third-party payor and its premium payors or other source of revenue; and

WHEREAS, as a result of this practice, the cost of services paid by third-party payors is unreasonably and artificially high;

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

That the Legislative Council conduct a study to determine those services for which businesses or professional service providers charge third-party payors higher rates than those rates charged to private paying persons receiving similar services and to study alternatives to limit this practice; 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-ninth Legislative Assembly.

Filed March 16, 1983

CHAPTER 796

HOUSE CONCURRENT RESOLUTION NO. 3086
(Representatives Retzer, S. F. Hoffner, Schoenwald)
(Senators Matchie, Christensen, Kilander)

AMENDMENT OF ERISA

A concurrent resolution urging the President of the United States and the Congress to propose and enact legislation amending the Employee Retirement Income Security Act (ERISA) to eliminate the federal preemption and to permit the respective states to regulate employee health benefit plans.

WHEREAS, the state has acted to promote the health and welfare of the people of the state by providing strong insurance laws; and

WHEREAS, the health and welfare of our citizens are being jeopardized by the federal Employee Retirement Income Security Act (ERISA) by preempting these aforementioned state statutes thus allowing the nullification, without substitution of state laws and leaving no protection to our citizens;

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

That, the President of the United States propose and that Congress enact legislation amending the Employee Retirement Income Security Act (ERISA) to permit the respective states to regulate employee health benefit plans in order to assure that beneficiaries of such plans have the right to receive health care from the providers pursuant to state law, to prevent plans from discriminating against legally qualified health care providers and to assure the solvency of such plans; and

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

Filed April 5, 1983

CHAPTER 797

HOUSE CONCURRENT RESOLUTION NO. 3087
(Representatives Sinner, Peltier, Moore)
(Senators Nelson, Lashkowitz, Kilander)
(Approved by Committee on Delayed Bills)

REGIONAL AIRPORT FUNDING STUDY

A concurrent resolution directing the Legislative Council to study funding of regional airports.

WHEREAS, air transportation service is a vital link between communities within and without the state; and

WHEREAS, the Airport Authorities Act provides for establishment of regional airport authorities which may involve more than one political subdivision and may include political subdivisions of adjoining states; and

WHEREAS, tax levies may be made upon property in political subdivisions participating in a regional airport authority and funding may be available from the federal government to augment airport budgets; and

WHEREAS, it is essential to determine adequate funding levels for airports, proper taxing levels in relation to benefits to taxpayers of affected political subdivisions, benefits to and contribution levels of political subdivisions of adjoining states, and potential alternative revenue sources including federal funds;

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

That the Legislative Council conduct a comprehensive study of funding of regional airports with input from affected political subdivisions in surrounding states and with emphasis on funding levels from political subdivisions in light of benefits to taxpayers, and on access to alternative funding, including federal funds; 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-ninth Legislative Assembly.

Filed April 5, 1983

CHAPTER 798

HOUSE CONCURRENT RESOLUTION NO. 3088
(Representatives Backes, Strinden, S. F. Hoffner)
(Senators Nething, Redlin, Reiten)
(Approved by the Committee on Delayed Bills)

EDITOR'S DAY

A concurrent resolution offering panegyric platitudes on the press; declaring Wednesday, March 9, 1983, as North Dakota Editors Day at the Forty-eighth Legislative Assembly; and welcoming Mr. Neal R. Peirce, a distinguished journalist and syndicated columnist, Washington, D.C., to North Dakota.

WHEREAS, March is not only the month of the biennial Editors Day at the Legislative Assembly, but also, on March 16, National Freedom of Information Day and the birthday of James Madison, our fourth president and one of the drafters of the Bill of Rights, who stated, "To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been obtained by reason and humanity over error and oppression."; 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 99 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 Legislative Assembly March 9, 1983; and

WHEREAS, the Editors Day banquet, to which all members of the Forty-eighth Legislative Assembly will be invited by the press from their respective districts, will feature as a speaker, Mr. Neal R. Peirce, a veteran Washington journalist and nationally syndicated columnist who specializes in writing on state and local government affairs, and who in his books on state government has had high praise for the North Dakota Legislative Assembly;

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

That the Forty-eighth Legislative Assembly commends and congratulates North Dakota's unflaggingly vigilant press through this panegyric for its continuing service to all North Dakotans, and declares Wednesday, March 9, 1983, as Editors Day at the Forty-eighth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Forty-eighth Legislative Assembly extends a sincere and hardy North Dakota welcome to Mr. Neal R. Peirce, and hopes that his stay in the Peace Garden 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 being misquoted or having their names misspelled; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Mr. Neil R. Peirce, 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 March 9, 1983

CHAPTER 799

HOUSE CONCURRENT RESOLUTION NO. 3089
(Representatives Peltier, Sinner)
(Senator Nelson)
(Approved by the Committee on Delayed Bills)

JAYCEES' OUTSTANDING YOUNG FARMER

A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

WHEREAS, John S. Dalrymple III took over management of the family farm in 1971 after graduating from Yale University and now manages a highly computerized 4,745 acre farm with primary crops being sugarbeets, sunflowers, soybeans, and small grains; and

WHEREAS, his experimentation with combinations of herbicides and innovative storage and transportation techniques have attributed to his agricultural successes; and

WHEREAS, he has also been active in various community activities serving as a director of the First State Bank of Casselton; co-founder, president, and chairman of the board for Share House, Inc., for recovering alcoholics in the Red River Valley; past chairman and board member of Prairie Public Television; member of the board of directors for Cass County Rural Water Users, Inc.; and member of the Educational Broadcasting Council; and

WHEREAS, he was one of four men chosen from a field of 41 state winners and was honored at the 27th annual Outstanding Young Farmer Awards Congress in Sioux Falls, South Dakota;

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

That the Forty-eighth Legislative Assembly of the state of North Dakota extends its very sincere congratulations to John S. Dalrymple III, Casselton, North Dakota, on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to John S. Dalrymple III and to the Casselton Jaycees.

Filed April 5, 1983

CHAPTER 800

HOUSE CONCURRENT RESOLUTION NO. 3090
(Committee on Appropriations)
(Approved by the Committee on Delayed Bills)

STATE BONDS STUDY

A concurrent resolution directing the Legislative Council to study bonds authorized for issuance by the agencies, institutions, and departments of the state.

WHEREAS, various state agencies, institutions, and departments have the authority to issue bonds for authorized purposes; and

WHEREAS, these bonds may be special or general obligations of the state; and

WHEREAS, the full faith and credit of this state has been pledged to secure the repayment of some of these bond issues; and

WHEREAS, in the event the sources of repayment for these bond issues are not sufficient to meet the costs of repaying them, the state may be morally or legally required to meet any deficiency that may arise;

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

That the Legislative Council conduct a study of the various bonds authorized for issuance by the agencies, institutions, and departments of the state, with emphasis on the existing authority for issuance of these bonds, the purposes for which they are issued, the amounts of these bonds which have been issued, whether scheduled payments on these bonds are current, whether there are adequate procedures to monitor existing bond issues, and whether or not the sinking funds are adequate for their repayment; 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-ninth Legislative Assembly.

Filed April 8, 1983

CHAPTER 801

HOUSE CONCURRENT RESOLUTION NO. 3091
(Mertens)
(Approved by the Committee on Delayed Bills)

WATERFOWL AREA ACQUISITION PROGRAM STUDY

A concurrent resolution concerning the extension of the Wetlands Loan Act and directing the Legislative Council to study the federal waterfowl production area acquisition program.

WHEREAS, North Dakota has authorized the federal acquisition of 1,278,201 acres of wetland easements for waterfowl production areas; and

WHEREAS, the Fish and Wildlife Service has identified and paid for 764,522 acres of wetlands for waterfowl production areas; and

WHEREAS, the Fish and Wildlife Service is now exercising its jurisdiction over all wetlands within tracts totaling 4,788,300 acres; and

WHEREAS, the United States Supreme Court has ruled in State of North Dakota v. United States, No. 81-773 (March 7, 1983), that gubernatorial consent concerning the remaining one-half million acres cannot be withdrawn even in response to state problems with the waterfowl production area program; and

WHEREAS, the United States has consistently failed to fully appropriate funds to the states for payment in lieu of taxes pursuant to 16 U.S.C. 715s; and

WHEREAS, the Fish and Wildlife Service has not expeditiously acted to delineate the wetlands acquired in pre-1976 easements; and

WHEREAS, the waterfowl production area acquisition program will resume in North Dakota if the Wetlands Loan Act is extended beyond this fiscal year;

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

That any extension of the Wetlands Loan Act should contain the following provisions:

1. A requirement that new gubernatorial consents must be secured by the Secretary of the Interior for any waterfowl production area acquisitions after October 1, 1983;
2. All payments in lieu of taxes (pursuant to 16 U.S.C. 715s) must have been made for the five consecutive previous years before the Secretary of the Interior may acquire waterfowl production areas or refuges in North Dakota;
3. Payments in lieu of taxes may be made from the Migratory Bird Conservation Fund if adequate "in lieu" payments are not appropriated;
4. The 764,522 acres of wetlands on all pre-1976 waterfowl production area easements must be delineated;

BE IT FURTHER RESOLVED, that the Legislative Council study the impacts of refuges and waterfowl production areas on the state of North Dakota for the purpose of recommending corrective state and federal legislation; 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-ninth Legislative Assembly; and

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

Filed April 18, 1983

CHAPTER 802

HOUSE CONCURRENT RESOLUTION NO. 3093
(L. Hanson, Martinson)
(Approved by the Committee on Delayed Bills)

STATE SELF-INSURANCE PROGRAM STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a self-insurance program for state employees.

WHEREAS, the uniform group insurance program for state employees is underwritten and carried by private insurance companies; and

WHEREAS, if the state becomes a self-insurer for insurance programs for state employees there may be substantial savings for the state; and

WHEREAS, duplication of administrative duties could be eliminated if the state becomes a self-insurer for state employees; and

WHEREAS, under the existing insurance program the private carriers assume the risk of loss in the provision of insurance for state employees, but if the state adopts a self-insurance program the state will assume the risk of loss; and

WHEREAS, there exists many questions as to the effect of the adoption of a self-insurance program on private enterprise, the state, and on state employees, and the proper form such a program should take;

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

That the Legislative Council study the feasibility and desirability of establishing a state self-insurance program for state employees; and

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

Filed April 12, 1983

CHAPTER 803

HOUSE CONCURRENT RESOLUTION NO. 3094
(Watne)
(Approved by the Committee on Delayed Bills)

MINERAL ROYALTY FARMER LOAN STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a fund for loans to farmers funded privately by earnings from mineral royalties.

WHEREAS, many mineral owners in the state currently receive considerable royalty income from mineral production which may be short-term income due to the nonrenewable nature of the mineral resource; and

WHEREAS, it may be to the advantage of such persons and the state to defer receipt of such income over several years and to retain as much of such income in the state as possible by reducing federal income tax liability; and

WHEREAS, the current agricultural economic situation shows a great need for fixed rate low interest loan funds for farmers; and

WHEREAS, it may be possible to establish a fund for loans to farmers in the state funded privately by earnings from mineral royalties if tax incentives exist, if investment returns are sufficient to encourage investment in such a fund, and if a contingency fund for loan repayment is established by the state; and

WHEREAS, resolution of questions regarding establishment of such a fund requires detailed and careful analysis with input from several segments of business and industry;

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

That the Legislative Council study the feasibility and desirability of establishing a fund for loans to farmers funded privately by earnings from mineral royalties, with emphasis on the role of the Legislative Assembly in establishing and operating such a fund, income tax incentives on the state and federal level for deposit of moneys in such a fund, and committing state funds to a contingency fund for repayment of loans from such a fund; 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-ninth Legislative Assembly.

CHAPTER 804

HOUSE CONCURRENT RESOLUTION NO. 3095
(B. Larson, W. Meyer)
(Approved by the Committee on Delayed Bills)

SECURED FARM PRODUCTS RELATIONS STUDY

A concurrent resolution directing the Legislative Council to study secured transaction laws as they relate to the sales and purchases by merchants and buyers of secured farm products in an effort to establish a legal relationship between merchants and buyers of farm products and lending institutions with security interests in those farm products which is equitable to all parties.

WHEREAS, the agricultural sector normally generates approximately 60 percent of the gross business activity in the North Dakota economy; and

WHEREAS, the continued and unimpeded flow of commercial sales of North Dakota farm products is vital to the economic health of the state; and

WHEREAS, it is often very difficult for a merchant or buyer of farm products to determine on short notice whether those farm products are subject to a security interest; and

WHEREAS, under current law, good faith merchants and buyers of farm products take those products subject to any security interests in favor of third parties; and

WHEREAS, financial institutions and merchants and buyers of farm products should all be responsible to monitor and make known the status of security interests in farm products; and

WHEREAS, it is in the best interests of the people of North Dakota for state government to make every reasonable effort to protect the integrity and stability of our agricultural economy;

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

That the Legislative Council study the state's secured transaction laws as they relate to the sales and purchases by

merchants and buyers of secured farm products in an effort to establish a legal relationship between merchants and buyers of farm products and lending institutions with security interests in those farm products which is equitable to all parties; 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-ninth Legislative Assembly.

Filed April 14, 1983

CHAPTER 805

HOUSE CONCURRENT RESOLUTION NO. 3096
(Solberg, Richard, Nowatzki, Nicholas, Erdman)
(Approved by the Committee on Delayed Bills)

PORTS OF ENTRY MAINTENANCE

A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota.

WHEREAS, the Immigration and Naturalization Service and the United States Customs Service are currently reviewing plans to close 10 U.S. ports of entry located at Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota; and

WHEREAS, these U.S. ports of entry serve many people living along the North Dakota-Canadian border whose daily business often necessarily cross that border; and

WHEREAS, these ports of entry serve vital economic and transportation needs of the people along this border and especially the businesses in North Dakota that depend in part upon the patronage of Canadian citizens; and

WHEREAS, in view of the current economic climate of this nation, a high priority should be placed on efforts at every level of government to encourage and facilitate economic recovery; and

WHEREAS, many businesses in northern North Dakota depend upon ready access to ports of entry along the border; and

WHEREAS, closing the 10 ports of entry would present severe economic and transportation hardships on the people living along this border; and

WHEREAS, the economic loss and hardship to North Dakota citizens living along the border would be far greater than the savings in operational costs anticipated by closing these border stations;

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

That the Forty-eighth Legislative Assembly urges the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of the U.S. ports of entry located at Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota; and

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

Filed April 12, 1983

CHAPTER 806

HOUSE CONCURRENT RESOLUTION NO. 3097
(Committee on Employment)
(Approved by the Committee on Delayed Bills)

LEGISLATIVE EMPLOYEE RETENTION

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

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

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

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

That the following named positions may be retained by the House of Representatives and Senate after the close of the regular session:

HOUSE POSITIONS

Chief Clerk
Assistant Chief Clerk
Desk Reporter
Bill Clerk
Chief Stenographer and Payroll Clerk
Secretary to the Speaker
Secretary to the Majority Leader
Secretary to the Minority Leader
Sergeant-at-Arms
Deputy Sergeant-at-Arms
Assistant Sergeants-at-Arms
Chief Journal and Bill Room Clerk
Appropriations Committee Clerk
Assistant Appropriations Committee Clerk
Chief Committee Clerk
Committee Clerks and Assistant Committee Clerk
Journal Room Clerks

Bill Room Clerks
Chief Page
Pages and Bill Book Clerks
Desk Pages
Journal Page

SENATE POSITIONS

Secretary of the Senate
Assistant Secretary of the Senate
Desk Reporter
Bill Clerk
Chief Stenographer and Payroll Clerk
Secretary to Majority Leader
Secretary to Minority Leader
Sergeant-at-Arms
Deputy Sergeant-at-Arms
Assistant Sergeants-at-Arms
Appropriations Committee Clerk
Assistant Appropriations Committee Clerk
Chief Committee Clerk
Committee Clerks and Assistant Committee Clerk
Senate Chief Telephone Clerk
Chief Page
Pages
Desk Pages
Journal Page

BE IT FURTHER RESOLVED, that the above-listed House and Senate employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House and the Secretary of the Senate, and that all of the listed employees, including the Chief Clerk of the House and the Secretary of the Senate, shall be employed for not more than 200 man-days in the aggregate. The Chief Clerk of the House and the Secretary of the Senate shall assign work among the available House and Senate employees, respectively, in the appropriate manner. It is the duty of the Chief Clerk of the House and the Secretary of the Senate to coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limits on man-days set out herein. The Chief Clerk of the House and the Secretary of the Senate shall minimize the days spent in completion of legislative business to the extent consistent with that completion; and

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4010 for all work required pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Forty-eighth and Forty-ninth Legislative Assemblies, and paid at the completion of the legislative work, providing that payment shall not be authorized for more than 200 man-days in the aggregate, and each employee above-listed shall be paid on a pro rata basis, should the total number of man-days exceed the allowed limit.

Filed April 18, 1983

CHAPTER 807

HOUSE CONCURRENT RESOLUTION NO. 3098
(Representatives Hughes, Rice)
(Senator Wenstrom)
(Approved by the Committee on Delayed Bills)

UND-WILLISTON GIRLS BASKETBALL COACH

A concurrent resolution congratulating the UND-Williston Girls Basketball coach, Penny Slagle, on being named the 1983 National Junior College Women's Basketball Coach of the Year.

WHEREAS, it is a custom of the Legislative Assembly to recognize and honor North Dakota citizens for their national accomplishments; and

WHEREAS, Penny Slagle, women's basketball coach at UND-Williston has coached the girls' team for five years; and

WHEREAS, her Teton teams have recorded an overall record of 132 wins against 26 losses, including a record of 90-12 against junior college teams and 42-14 against four-year colleges and universities; and

WHEREAS, her teams have won berths in four national tournaments, finishing third in 1979 and fourth in 1982, and her 1982 team was the winner of the National Tournament Sportsmanship Award; and

WHEREAS, with her coaching career she has one of the top women's basketball coaching records in the nation and she has coached five All-Americans; and

WHEREAS, 16 of 17 girls on her 1983 team are North Dakota residents and one of her players, Lori Carriere was recently named to the 10-player Junior College Kodak All-American team;

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

That the Forty-eighth Legislative Assembly takes great pleasure in extending to Penny Slagle its heartiest congratulations for being named the 1983 National Junior College Women's Basketball Coach of the Year; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Penny Slagle.

Filed April 15, 1983

CHAPTER 808

HOUSE CONCURRENT RESOLUTION NO. 3099
(Schoenwald)
(Approved by the Committee on Delayed Bills)

RAILROAD RETIREMENT SOLVENCY ACT

A concurrent resolution urging members of the United States Congress to actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983.

WHEREAS, many North Dakota residents are currently engaged in railroad employment or have been engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS, many North Dakota residents are currently receiving benefits under the railroad retirement system and rely on those benefits to a large extent to meet their normal costs of living; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet their living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system now show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuities to be sent out on October 1, 1983, with additional reductions probably required in the future; and

WHEREAS, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and the adjustment of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive those benefits in the future;

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

That members of the United States Congress are urged to actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983; and

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

Filed April 18, 1983

CHAPTER 809

HOUSE CONCURRENT RESOLUTION NO. 3100
(Strinden, Backes)
(Approved by the Committee on Delayed Bills)

CORPORATE FARMING LAW APPLICATION STUDY

A concurrent resolution directing the Legislative Council to study the application of the corporate farming law to nonprofit corporations and trusts.

WHEREAS, some farm and ranch land in the state is owned by nonprofit corporations or trusts, which either farm or ranch the land or lease the land to persons engaged in farming or ranching; and

WHEREAS, some types of ownership of farm and ranch land by nonprofit corporations or trusts are of benefit to the public and persons engaged in farming and ranching; and

WHEREAS, the corporate farming law should permit ownership of farm and ranch land by some nonprofit corporations or trusts if such ownership is of benefit to the public or persons who own farm or ranch land; and

WHEREAS, detailed study is required to determine the types of nonprofit corporations or trusts which should be allowed to own or lease farm or ranch land and the conditions of such ownership or lease;

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

That the Legislative Council study ownership or leasing of farm or ranch land by nonprofit corporations or trusts, with emphasis on the beneficial aspects of such ownership or leasing; 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-ninth Legislative Assembly.

Filed April 18, 1983

CHAPTER 810

HOUSE CONCURRENT RESOLUTION NO. 3101
(Strinden)

(Approved by the Committee on Delayed Bills)

COAL DEVELOPMENT IMPACT FUNDING STUDY

A concurrent resolution directing the Legislative Council to study funding to offset coal development impact.

WHEREAS, the impact of the coal industry on political subdivisions of the state creates a need for funds to offset such impact which will vary according to future levels of coal industry activity; and

WHEREAS, state law presently provides that 35 percent of all revenues in the coal development fund are credited to a special fund for distribution through grants by the Energy Development Impact Office to coal-impacted political subdivisions; and

WHEREAS, it is essential for the Legislative Assembly to determine whether current coal impact funding levels meet or exceed present and future impact needs; and

WHEREAS, alternatives for distribution of revenues from a special fund or by appropriations from the general fund should be examined;

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

That the Legislative Council study current and future needs for funds to offset coal development impact with emphasis on the need for a special fund in the state treasury for coal impact grant moneys; 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-ninth Legislative Assembly.

Filed April 19, 1983