

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 790

HOUSE CONCURRENT RESOLUTION NO. 3001
(Legislative Council)
(Interim Administrative Rules Committee)

ADMINISTRATIVE AGENCIES PRACTICE ACT STUDY

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

WHEREAS, North Dakota was the first state in the Union to adopt an administrative procedure act when it adopted the Administrative Agencies Practice Act in 1941; and

WHEREAS, the Administrative Agencies Practice Act provides rulemaking procedures, administrative agency hearing procedures, and methods of appealing administrative agency decisions; and

WHEREAS, it is the purpose of the Administrative Agencies Practice Act to standardize procedures for all administrative agencies; and

WHEREAS, there are 24 state agencies or parts thereof not subject to and not required to follow the procedures of the Act; and

WHEREAS, in the last 20 years social changes have greatly altered the functions of administrative agencies including regulation of the environment, welfare programs, and public safety; and

WHEREAS, the present provisions do not clearly define the parties to the proceedings or provide for alternative types of hearings depending on the circumstances; and

WHEREAS, the present provisions do not detail procedures to be used in prehearing conferences or in the hearing itself; and

WHEREAS, it is unclear whether emergency rules become effective upon approval by the Attorney General or receipt of the rules by the Legislative Council for publication in the Administrative Code; and

WHEREAS, the Administrative Agencies Practice Act does not specify the agency responsible for filing rules with the Legislative Council for publication in the Administrative Code; and

WHEREAS, with the increase in the number and duties of administrative agencies, the procedural hearing requirements contained in the Administrative Agencies Practice Act may no longer be adequate; and

WHEREAS, the Department of Human Services is required by subsection 21 of section 50-06-05.1 of the North Dakota Century Code to provide claimants an independent administrative hearing officer in the Attorney General's office upon request for certain hearings and it may be appropriate for other state administrative agencies to require independent hearing officers under certain circumstances; and

WHEREAS, certain efficiencies and fairness may be accomplished by establishing an independent hearings officer branch in state 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 is directed to conduct a study of the Administrative Agencies Practice Act, North Dakota Century Code Chapter 28-32, to include consideration of the agencies subject to the Act, the agencies not subject to the Act, the various rulemaking procedures under current law, any public hearing requirements, the procedures and practices prior to and after such hearings, the appeals available, the feasibility and desirability of establishing a separate administrative hearings officer branch, the feasibility and desirability of standardizing administrative rulemaking authority, and the extent administrative agency rules should be published in the North Dakota Administrative Code; and

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

Filed March 18, 1987

CHAPTER 791

HOUSE CONCURRENT RESOLUTION NO. 3002
(Legislative Council)
(Interim Court Services Committee)

MUNICIPAL ORDINANCES STUDY

A concurrent resolution directing the Legislative Council to study methods for providing and maintaining model municipal ordinances for the protection of small North Dakota cities.

WHEREAS, municipal court judges may be subject to lawsuits and held liable for the award of attorneys' fees in lawsuits regarding their actions taken as municipal court judges in the enforcement of municipal ordinances; and

WHEREAS, many North Dakota cities are experiencing increasing difficulty in obtaining adequate insurance coverage for the acts of their officials, including municipal court judges; and

WHEREAS, there is a need to assist cities in the development and maintenance of model municipal ordinances; and

WHEREAS, there is a need to assure that municipal ordinances are kept up to date to meet the needs of North Dakota cities; and

WHEREAS, it may be necessary for the Legislative Assembly to enact model municipal ordinances for cities to adopt; and

WHEREAS, smaller cities and larger cities have different needs with regard to their municipal ordinances and smaller cities in general may require more assistance in developing and maintaining such ordinances;

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 for providing and maintaining model municipal ordinances for the protection of small North Dakota cities; 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 Fifty-first Legislative Assembly.

Filed March 17, 1987

CHAPTER 792

HOUSE CONCURRENT RESOLUTION NO. 3003 (Legislative Council) (Interim Indian Jurisdiction Committee)

PAYMENTS IN LIEU OF TAXES

A concurrent resolution urging the Congress of the United States to make full payments in lieu of real property taxes on all land withdrawn, held in trust, or purchased for federal purposes.

WHEREAS, local governments in North Dakota depend heavily on their tax base in real property as a means of maintaining adequate fiscal management; and

WHEREAS, lands held in trust or owned by the federal government are generally exempt from real property taxation; and

WHEREAS, in those cases where the federal government makes payments in lieu of real property taxes, the payments are generally far below the moneys that would be received from privately owned land; and

WHEREAS, the removal or purchase of land for federal purposes and the existence of lands held in trust causes an adverse economic effect on local government at all levels;

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

That the Congress of the United States is urged to enact legislation requiring the federal government to make payments in lieu of taxes on all land withdrawn, held in trust, or purchased for federal purposes to replace real property tax revenue foregone by local governments; and

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

Filed March 31, 1987

CHAPTER 793

HOUSE CONCURRENT RESOLUTION NO. 3004 (Legislative Council) (Interim Indian Jurisdiction Committee)

PRESIDENTIAL INDIAN STUDY COMMISSION

A concurrent resolution urging the President of the United States to establish a presidential commission to study the impact of federal Indian policies on non-Indians living or working on or near Indian reservations in the United States.

WHEREAS, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other acts of the United States government; and

WHEREAS, the various relationships among state, tribal, local, and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by the framers of our federal system; and

WHEREAS, the solutions to problems regarding the authority of state, tribal, local, and federal governments to exercise governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries are not readily apparent; and

WHEREAS, tribal governments have purported to extend their jurisdiction to all persons and lands within the boundaries of Indian reservations, including non-Indians and land that is not owned by an Indian or an Indian tribe; and

WHEREAS, the uncertainties of this jurisdictional morass raise substantial questions concerning the availability of full constitutional guarantees to non-Indian citizens residing within reservation boundaries; and

WHEREAS, tribal members are entitled to certain privileges and protections in addition to the privileges and protections of other United States citizens which tends to establish various classes of citizenship with attendant differences in the rights and obligations of these classes of individuals in important areas such as taxation; and

WHEREAS, free and orderly commerce and economic development on reservations is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, and other commercial transactions, liquor and gambling control, and other aspects of commerce; and

WHEREAS, these undesirable conditions are largely a result of acts of the United States government, and the state of North Dakota is virtually powerless to achieve their fundamental resolution;

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 is urged to establish a presidential commission to study the impact of federal Indian policies on non-Indians living or working on or near Indian reservations in the United States and to report the results of its study and its recommendations to the President, the Congress of the United States, and the Secretary of the Interior; and

BE IT FURTHER RESOLVED, that the President is urged to authorize such a commission, in carrying out its responsibilities, to conduct hearings and interviews at sites across the nation and to confer with state, local, tribal, and other government officials, private sector business people, private property owners, and other organizations and individuals affected by matters pertaining to the commission's study; 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 United States House of Representatives and United States Senate, each member of the North Dakota Congressional Delegation, the Secretary of the Interior, and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

Filed March 18, 1987

CHAPTER 794

HOUSE CONCURRENT RESOLUTION NO. 3005 (Legislative Council) (Interim Jobs Development Commission)

JOBS DEVELOPMENT COMMISSION STUDY

A concurrent resolution directing the Legislative Council to establish a Jobs Development Commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development and to stimulate the creation of new employment opportunities for the citizens of this state.

WHEREAS, the Forty-ninth Legislative Assembly through adoption of Senate Concurrent Resolution No. 4047 directed the Legislative Council to form a Jobs Development Commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development in the state of North Dakota; and

WHEREAS, the interim Jobs Development Commission held several meetings and heard testimony from individuals and representatives of state departments, institutions, and agencies and private businesses and organizations concerned about the state's economic climate, and received recommendations on various topics including capital formation, taxation, tourism, state economic development programs, university-based research and development projects, and energy development; and

WHEREAS, there is now an even greater need, because of low farm commodity and energy prices, for the state of North Dakota to strengthen and diversify its economic base through a concerted effort to retain, strengthen, and expand existing business and industry and to nurture the startup and growth of new business and industry in this state; and

WHEREAS, the formation of a Jobs Development Commission would provide a necessary focal point for individuals and state and private economic development agencies and organizations to develop and execute policies and plans for state economic development;

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

That the Legislative Council form a Jobs Development Commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to apply for, contract for, receive, and expend for its purposes, as provided in the North Dakota Century Code Section 54-35-06, any appropriations or grants from the state or its political subdivisions, federal government, or any other public or private source; 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 Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 795

HOUSE CONCURRENT RESOLUTION NO. 3006
(Legislative Council)
(Interim Judiciary Committee)

INSURANCE INDUSTRY STUDY

A concurrent resolution directing the Legislative Council to study the insurance industry.

WHEREAS, Americans constitute approximately five percent of the world's population but purchases of insurance by Americans account for approximately 44 percent of the total world insurance premiums; and

WHEREAS, it appears Americans view insurance as a necessity, not a luxury, and have come to rely upon it in all facets of their lives; and

WHEREAS, there is currently an insurance affordability and availability crisis affecting a wide range of public and private sector entities and individuals; and

WHEREAS, the reasons given for the crisis have varied from the insurers' complaints about the civil justice system to other complaints about the insurance companies' relying on investment income to provide profits in the late 1970s and early 1980s rather than charging adequate premiums to cover losses and guarantee profits; and

WHEREAS, the regulation of the insurance industry is principally the responsibility of the states under the federal McCarran Act of 1945; and

WHEREAS, 41 states passed some type of legislation in 1986 to address this crisis;

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 insurance industry in depth, with particular attention to the role of the state in providing regulation of the industry designed to avert any future crisis such as is presently occurring; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 796

HOUSE CONCURRENT RESOLUTION NO. 3007
(Representatives G. Berg, Mertens, Strinden)
(Senators Heigaard, Olson)

DEVILS LAKE RESTORATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restoring Devils Lake through alternate sources of water.

WHEREAS, the Garrison Diversion Unit Commission recommended that the Lonetree Reservoir not be completed; and

WHEREAS, the Garrison Diversion Unit Reformulation Act of 1986 provides that the Sykeston Canal is to be constructed as a replacement for the Lonetree Reservoir; and

WHEREAS, water from the Lonetree Reservoir would have provided a source of water into Devils Lake and the Devils Lake system which would have stabilized the lakes, freshened their water from their present saline conditions, and provided valuable recreation opportunity and fish and wildlife enhancement; and

WHEREAS, one alternate source of water available to restore Devils Lake and the Devils Lake chain would be created by draining the thousands of acres of lake bottoms and potholes north of Devils Lake; and

WHEREAS, North Dakota's drainage laws may prohibit the draining of these lake bottoms and potholes; and

WHEREAS, it may be desirable to construct an outlet from and an inlet into Devils Lake to enable alternate sources of water to flow through the Devils Lake system, thus ensuring the maintenance of quality and quantity of water;

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 restoring Devils Lake and the Devils Lake system through alternate sources of water; 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 Fifty-first Legislative Assembly.

Filed April 10, 1987

CHAPTER 797

HOUSE CONCURRENT RESOLUTION NO. 3008
(Ulmer)

COMMUNITY-BASED CARE STUDY

A concurrent resolution directing the Legislative Council to study the system of community-based care provided by the Department of Human Services for the developmentally disabled, chronically mentally ill, aged and infirm, and other persons, including the process of reimbursement for providers of such services and the availability of community-based settings.

WHEREAS, the Department of Human Services is authorized by law to purchase residential care, custody, treatment, training, and education for developmentally disabled persons in licensed treatment or care centers in the state; and

WHEREAS, there presently exists confusion regarding reimbursement for providers of services to developmentally disabled persons; and

WHEREAS, the issue of provider reimbursement extends not only to services for the developmentally disabled but also to services for the aged and infirm, chronically mentally ill, and other persons who are provided human services purchased by the state under a reimbursement system; and

WHEREAS, the administration of community-based care as provided or purchased by the state varies widely according to the type of services provided and persons served; and

WHEREAS, the accessibility of client referrals to service providers and facilities is necessary in order to provide services in the least restrictive appropriate setting;

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 overall system of community-based care provided by the Department of Human Services for the developmentally disabled, chronically mentally ill, aged and infirm, and other persons, including the process of reimbursement for providers of community-based care and the availability of community-based settings; 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 Fifty-first Legislative Assembly.

CHAPTER 798

HOUSE CONCURRENT RESOLUTION NO. 3010
(Representatives Wald, Knudson, Dotzenrod)
(Senators Waldera, Langley)

STATE BIDDING STUDY

A concurrent resolution directing the Legislative Council to study the need for consolidation and revision of state bidding and bid preference laws relating to public contracts.

WHEREAS, contracts to perform services for or provide supplies and materials to the state and its political subdivisions are generally let through a bidding process subject to laws relating to bid requirements and procedures, and employment, service, and material preferences; and

WHEREAS, bidding and bid preference laws are scattered throughout the North Dakota Century Code, making it difficult to locate provisions applicable to certain public contracts; and

WHEREAS, many of the bidding and bid preference laws could be arranged and consolidated in the North Dakota Century Code to reflect a more logical location and arrangement; and

WHEREAS, the intended application of many bidding and bid preference laws is unclear due to archaic or ambiguous language that may result in unfair or inconsistent bidding practices or misunderstanding by the parties involved in the public contract process;

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 feasibility and desirability of consolidating and revising state bidding and bid preference laws relating to public contracts, including if necessary substantive recommendations or changes; 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 Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 799

HOUSE CONCURRENT RESOLUTION NO. 3012 (Kretschmar)

POLITICAL SUBDIVISION DECISION APPEALS STUDY

A concurrent resolution directing the Legislative Council to study procedures and standards in appeals for court review of decisions of county commissioners and other local governing bodies.

WHEREAS, many statutes allow appeals to the courts from decisions of local governing bodies, such as appeals from decisions of county commissioners, from any order or decision of the board of an irrigation district, from some decisions of municipal governing bodies, from township zoning decisions, from water resource board decisions, as well as from other actions of local governing bodies; and

WHEREAS, substantial uncertainty exists for those local governing boards, the litigants, and the courts regarding the records, procedures, and standards for court review of the decisions of county commissioners and other local governing bodies; and

WHEREAS, there is a serious problem in the usual lack of available records for adequate court review of decisions of local governing bodies, as illustrated by the decision in Shaw v. Burleigh County, 286 N.W.2d 792 (N.D. 1979); and

WHEREAS, the North Dakota judicial system has studied the problem of procedures for court appeals from decisions of local governing bodies, but doubts remain as to the appropriateness of the judicial branch imposing new duties of recordkeeping on local governments, as well as in creating standards for review of decisions of local governments which are often only local legislative decisions; and

WHEREAS, the Legislative Assembly should resolve the issues involved in judicial review of decisions of local governing bodies;

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 adequacy of the present procedures and standards for appeals for judicial review of decisions of county commissioners and other local governing boards, with emphasis on methods to improve those procedures and standards; 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 Fifty-first Legislative Assembly.

Filed March 17, 1987

CHAPTER 800

HOUSE CONCURRENT RESOLUTION NO. 3015 (Mertens)

SCHOOL DISTRICT ADMINISTRATION STUDY

A concurrent resolution directing the Legislative Council to study the administrative structure of school districts providing elementary and secondary education in this state and other states.

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

WHEREAS, there are 313 local school districts in this state; and

WHEREAS, each school district is managed by an elected board of five to nine members; and

WHEREAS, of the 313 districts, 227 are operating classes from kindergarten through high school; 48 are providing graded elementary education having two or more teachers; 12 are offering one-room, one-teacher schools; and 26 districts are not operating but pay tuition for their students to attend schools outside of their districts; and

WHEREAS, Florida, Colorado, and Hawaii are examples of states where each county, region, or the entire state constitutes a school district for the control, organization, and administration of the schools in that district; and

WHEREAS, it may be more efficient and effective to reorganize the administrative structure of school districts within this state; and

WHEREAS, reorganization of school districts may improve the public schools of this state by equalizing the benefits and burdens of education throughout the various counties and communities, by more efficiently and effectively providing for the maintenance of a thorough and uniform system of free public schools, and by making possible a higher degree of uniformity of school tax rates among school districts;

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 administrative structure of school districts in this state and review the administrative structure of elementary and secondary school districts in other states; 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 Fifty-first Legislative Assembly.

Filed March 11, 1987

CHAPTER 801

HOUSE CONCURRENT RESOLUTION NO. 3016 (Shaft)

CENTENNIAL BAND

A concurrent resolution urging the creation of a state centennial band.

WHEREAS, North Dakota is nearing its 100th anniversary as a state and, in celebration, centennial events are being planned throughout the state; and

WHEREAS, a band representing the state centennial and providing entertainment at events throughout the state would be a valuable and pleasurable addition to the centennial celebration; and

WHEREAS, the band would be supported solely by private donations and membership would be comprised of one member selected from each school district that has a band; and

WHEREAS, selection and participation in centennial events as a member of this state centennial band would provide young people throughout this state with a unique opportunity to take part in this historic occasion;

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

That the Fiftieth Legislative Assembly urges the creation of a state centennial band to provide rousing entertainment at centennial events throughout the state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Executive Director of the Centennial Commission and a copy to the Superintendent of Public Instruction for distribution to the school districts.

Filed March 19, 1987

CHAPTER 802

HOUSE CONCURRENT RESOLUTION NO. 3017 (Representative Winkelman) (Senator Kelsh)

LEGISLATIVE PHOTOGRAPHER

A concurrent resolution to appoint an official photographer for the Fiftieth 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, Larry Weller Photography offers to take five 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, to retouch the final prints, and to compile a composite color picture of all Senate members and the Lieutenant Governor 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 the foregoing at a total cost of \$2,190;

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

That Larry Weller Photography of Mandan, North Dakota, be and is hereby appointed official photographer for the Fiftieth Legislative Assembly of the state of North Dakota; and

BE IT FURTHER RESOLVED, that Larry Weller Photography 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-named legislative employees of the Fiftieth Legislative Assembly, at the total cost of \$2,190 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 Larry Weller Photography and the photography committees of the House of Representatives and the Senate.

Filed January 28, 1987

CHAPTER 803

HOUSE CONCURRENT RESOLUTION NO. 3018 (Mertens)

APPROPRIATIONS COMMITTEE STUDY

A concurrent resolution directing the Legislative Council to study and determine alternatives to improve the committee structure for the appropriation process.

WHEREAS, the workload of the Appropriations Committees is increasing every session; and

WHEREAS, other states have established Budget Committees with other standing committees recommending appropriations; and

WHEREAS, members of the Legislative Assembly serving on other standing committees have expertise to strengthen the Legislative Assembly's role in making appropriations; and

WHEREAS, a review of Budget and Appropriations Committees' operations in other states could present options for consideration in this 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 conduct a study of the current Legislative Assembly Appropriations Committee structure by comparing it to other states' committee structures with a goal of the study to develop recommendations to reduce the current Appropriations Committees' workload and to increase the number of legislators involved in the appropriation process; and

BE IT FURTHER RESOLVED, that the Legislative Council review the structure of all Legislative Assembly standing committees to make recommendations for changes in their structures necessary to implement changes in the Appropriations Committee structure; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 804

HOUSE CONCURRENT RESOLUTION NO. 3019
(Representative Martinson)
(Senator Satrom)

LEGISLATIVE EMPLOYEE COMPENSATION

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

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

That for the Fiftieth Legislative Assembly the following named persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions as shown below:

HOUSE	
Roy Gilbreath, Chief Clerk	\$85.00
Barbara Middaugh, Desk Reporter	79.00
David Hillesland, Sergeant-at-Arms	64.00
Skip Sjothun, Assistant Chief Clerk	70.00
Jeane Marschke, Bill Clerk	64.00
Theola Stetson, Chief Stenographer and Payroll Clerk	64.00
Connie Johnsen, Chief Committee Clerk	64.00
Cindy Nelson, Appropriations Committee Clerk	66.00
Carol Nitschke, Assistant Appropriations Committee Clerk	62.00
Jan Mumma, Assistant Appropriations Committee Clerk	62.00
Sharon Lang, Assistant Appropriations Committee Clerk	62.00
Helen Soma, Committee Clerk	58.00
Darlyne Clausnitzer, Committee Clerk	58.00
Joan VonRueden, Committee Clerk	58.00
Judy Hoffman, Committee Clerk	58.00
Janice Stein, Committee Clerk	58.00
Lela Knudsen, Committee Clerk	58.00
Jonathan Thomson, Committee Clerk	58.00
Juanita Braun, Committee Clerk	58.00
Sandy Schafer, Committee Clerk	58.00
Kathy Ludwick, Committee Clerk	58.00
Claudia Tauer, Assistant Committee Clerk	55.00
Tove Mandigo, Chief Page and Bill Book Clerk	55.00
Cindy Kephart, Desk Page	48.00
Judy Koch, Desk Page	48.00
Barbara Larson, Desk Page	48.00

Barbara Hauser, Secretary to the Speaker	64.00
Mazie Patchen, Secretary to Majority Leader	70.00
Rick Collin, Assistant Secretary to Majority Leader	64.00
Judy Tinjum, Secretary to Minority Leader	70.00
Toni Lynn Heintz, Assistant Secretary to Minority Leader	64.00
Ron Carlisle, Deputy Sergeant-at-Arms	52.00
Dan O'Neil, Assistant Sergeant-at-Arms	48.00
Edgar Beyers, Assistant Sergeant-at-Arms	48.00
Ed Leno, Assistant Sergeant-at-Arms	48.00
Phyllis Connolly, Assistant Sergeant-at-Arms	48.00
Tom Belzer, Assistant Sergeant-at-Arms	48.00
Bill Harter, Assistant Sergeant-at-Arms	48.00
Mark Zimmerman, Assistant Sergeant-at-Arms	48.00
Jennifer Picken, Journal Page	48.00
Pam Crawford, Information Desk Attendant	48.00
Eugene Grenz, Chief Bill and Journal Room Clerk	58.00
Eli Nemer, Bill Room Clerk	48.00
Faye Caya, Bill Room Clerk	48.00
Harold Unterseher, Bill Room Clerk	48.00
George Leingang, Bill Room Clerk	48.00
MaryAnn Varriano, Bill Room Clerk	48.00
Pam Wheeler, Journal Room Clerk	48.00
Jeff Carlson, Journal Room Clerk	48.00
Vicky Friez, Telephone Attendant	48.00
Laura Johnson, Telephone Attendant	48.00
Linda Mueller, Telephone Attendant	48.00
Blenda Hoffart, Telephone Page	48.00
John Schmidt, Parking Lot Attendant	48.00
Barb Klein, Stenographer	52.00
Phyllis Johnson, Stenographer	52.00
Elizabeth Bergan, Stenographer	52.00
Marge Mosbrucker, Stenographer	52.00
Bertha Palen, Stenographer	52.00
Wilma Melstad, Typist	52.00
Sharon Jensen, Typist	52.00
David Hougen, Assistant Chief Page and Bill Book Clerk	52.00
Brian Overton, Page and Bill Book Clerk	48.00
Sheila Markel, Page and Bill Book Clerk	48.00
Sandy Steier, Page and Bill Book Clerk	48.00
Justin Gullekson, Page and Bill Book Clerk	48.00
Barb Brown, Page and Bill Book Clerk	48.00
Nick Chase, Page and Bill Book Clerk	48.00
Richard Stenberg, Page and Bill Book Clerk	48.00
Ginny Watson, Page and Bill Book Clerk	48.00
Tony Gross, Page and Bill Book Clerk	48.00
Robert Guler, Page and Bill Book Clerk	48.00
Lisa Neary, Page and Bill Book Clerk	48.00
Helen Schaible, Page and Bill Book Clerk	48.00
Curtis Paulson, Page and Bill Book Clerk	48.00
Neal Schlosser, Page and Bill Book Clerk	48.00
Kevin Urness, Page and Bill Book Clerk	48.00
Verne Westervall, Page and Bill Book Clerk	48.00
Helen Just, Janitor (partial pay only)	34.00
Francis Scharosch, Janitor (partial pay only)	36.00

Joe Emineth, Janitor (partial pay only)	43.00
Gene Reynolds, Janitor (partial pay only)	51.00
SENATE	
Perry Grotberg, Secretary of the Senate	\$85.00
Paula Riehl, Desk Reporter	79.00
Doug Nordby, Sergeant-at-Arms	64.00
Jim Kusler, Assistant Secretary of the Senate	70.00
Deanna Hill, Bill Clerk	64.00
Maureen Muhlhauser, Chief Stenographer and Payroll Clerk	64.00
Mary Schmitz, Chief Committee Clerk	64.00
Carin Noriega, Appropriations Committee Clerk	66.00
Victor Heier, Assistant Appropriations Committee Clerk	62.00
Caryl Hieb, Committee Clerk	58.00
Nancy Pfenning, Committee Clerk	58.00
Judi Markegard, Committee Clerk	58.00
Connie Skager, Committee Clerk	58.00
Kimberly Pollert, Committee Clerk	58.00
Michelle Kalenze, Committee Clerk	58.00
Nancy Dockter, Committee Clerk	58.00
Mary Haberman, Committee Clerk	58.00
Jeannette Shaw-Lynch, Committee Clerk	58.00
Michelle Larson, Committee Clerk	58.00
Brenda Miller, Assistant Committee Clerk	55.00
Lucy Miller, Chief Page and Bill Book Clerk	55.00
Stephanie Gullickson, Desk Page	48.00
Sandi Kershaw, Secretary to Majority Leader	70.00
Wanda Scheid, Assistant Secretary to Majority Leader	64.00
Jan Steinle, Secretary to Minority Leader	70.00
Marius Rogneby, Assistant Secretary to Minority Leader	64.00
Frank LaQua, Deputy Sergeant-at-Arms	52.00
Vern Thompson, Deputy Sergeant-at-Arms	52.00
Jim Walsh, Assistant Sergeant-at-Arms	48.00
Lance Hagen, Assistant Sergeant-at-Arms	48.00
Paul Janke, Assistant Sergeant-at-Arms	48.00
David Hetland, Jr., Journal Page	48.00
Janice Clancy, Information Desk Attendant	48.00
Delano Huston, Bill Room Clerk	48.00
Selma Carlson, Bill Room Clerk	48.00
Ledores Robey, Bill Room Clerk	48.00
Fred Schulz, Bill Room Clerk	48.00
Nettie Monroe, Journal Room Clerk	48.00
Joan Nelson, Journal Room Clerk	48.00
Renee Bullinger, Chief Telephone Attendant	52.00
Arlyne Hight, Telephone Attendant	48.00
Ruby Stadick, Telephone Attendant	48.00
Lunette Lipp, Telephone Attendant	48.00
Janet Britton, Telephone Page	48.00
Jeff Heider, Parking Lot Attendant	48.00
Sue Alexander, Stenographer	52.00
Mischelle Christensen, Stenographer	52.00
Sharon Neukircher, Stenographer	52.00
Alice Zako, Stenographer	52.00
LeLand Barth, Page	48.00
Scott Swanson, Page	48.00

Jacki Giovannoni, Page	48.00
Diane Larson, Page	48.00
Mae DelaBarre, Page	48.00
Brett Lloyd, Bill Book Clerk	48.00
Viola Wraalstad, Bill Book Clerk	48.00
Frank Christensen, Bill Book Clerk	48.00
William Landeis, Janitor (partial pay only)	32.00
Dick Lang, Janitor (partial pay only)	38.00
Luke Giesinger, Janitor (partial pay only)	51.00

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

Filed January 26, 1987

CHAPTER 805

HOUSE CONCURRENT RESOLUTION NO. 3020 (O'Shea)

SOCIAL SECURITY BENEFIT DISPARITIES

A concurrent resolution urging an end to disparities in Social Security benefits for persons born in certain years.

WHEREAS, in 1977 the Congress of the United States, in pursuit of the praiseworthy goal of insuring the solvency of the Social Security system, adjusted the formula of payments for those born after 1916; and

WHEREAS, this adjustment has resulted in a substantial benefit disparity between those born between the years 1917 and 1921 and those born before and after those years; and

WHEREAS, the affected group, known as "notch-year babies", number approximately 14 million, many of whom were called upon to serve their country in World War II; and

WHEREAS, because of this disparity, "notch-year babies" receive approximately seven percent less in Social Security retirement benefits than do those with similar work years and basic final incomes and who were not born in the "notch" years; and

WHEREAS, this disparity represents a flagrant and insupportable discrimination against a significant number of American citizens; and

WHEREAS, the Congress of the United States currently has under consideration legislation which seeks to correct this injustice;

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

That the Fiftieth Legislative Assembly strongly urges that pending congressional legislation be given prompt and due consideration and that this discrimination against "notch-year babies" be ended; and

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

CHAPTER 806

HOUSE CONCURRENT RESOLUTION NO. 3021 (Representative Rydell) (Senator Olson)

CHARITABLE SOLICITATIONS ACT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability for revision of the Charitable Solicitations Act.

WHEREAS, the last complete legislative enactment of the charitable solicitation statutes was in 1961; and

WHEREAS, county officials increasingly have had problems with out-of-state professional fundraisers operating within this state; and

WHEREAS, North Dakota statutes have been in conflict with decisions of the United States Supreme Court forcing piecemeal corrective action to follow those supreme court decisions; and

WHEREAS, a model act concerning solicitation of funds for charitable purposes was recently adopted by the National Association of Attorneys General; and

WHEREAS, House Concurrent Resolution No. 3075 of the 1985 Legislative Assembly directed the Legislative Assembly to study the desirability of adopting uniform or model laws where uniformity in state laws is desirable and practicable;

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 charitable solicitation statutes; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislative required to implement the recommendations, to the Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 807

HOUSE CONCURRENT RESOLUTION NO. 3022 (Representatives Strinden, Mertens) (Senators Olson, Heigaard)

MISSOURI RIVER BANK STABILIZATION

A concurrent resolution requesting the United States Congress and the United States Army Corps of Engineers to assume the responsibility for Missouri River bank erosion in North Dakota and to complete a program of bank stabilization and maintenance along the Missouri River between the Garrison Dam and the Oahe Reservoir.

WHEREAS, the Flood Control Act of 1944, as amended by legislation sponsored by Senators O'Mahoney and Milliken, assured all 10 states within the Missouri River Basin equal benefits under a control and management program which came to be commonly known as the Pick-Sloan Plan; and

WHEREAS, the Congress has directed the United States Corps of Engineers to build, operate, and maintain all the elements of the Pick-Sloan Plan; and

WHEREAS, the Pick-Sloan Plan provided for major flood control benefits, recreational benefits, power supply benefits, and certain navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point; and

WHEREAS, the Pick-Sloan reservoirs have been in place for 32 years, thus providing the downstream states all the benefits promised in the Pick-Sloan Plan for the past 32 years; and

WHEREAS, construction of facilities under the Pick-Sloan Plan has, to date, resulted in three billion dollars of flood protection to downstream interests which continue to accrue and has allowed them to develop the floodplain of the Missouri for industrial, municipal, and agricultural uses; and

WHEREAS, the United States Army Corps of Engineers has stabilized and continues to maintain the entire channel of the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, all at federal cost; and

WHEREAS, to provide for the construction of the Pick-Sloan Plan the state of North Dakota has sacrificed over 550,000 acres of land including several cities and many established farms; and

WHEREAS, few, if any, of the commitments made to North Dakota in return for its sacrifices under the Pick-Sloan Plan have been fulfilled despite great efforts by North Dakota's Congressional Delegation, Legislative Assemblies, Governors, and other state officials, and despite continuing strong support by the citizens of the state; and

WHEREAS, almost two-thirds of the 2.25 million megawatt hours of cheap hydroelectric power generated by Garrison Dam in North Dakota built by the Pick-Sloan Plan is utilized in states outside of North Dakota; and

WHEREAS, the lands adjacent to the Missouri River between the Garrison Dam and the Oahe Reservoir have been and will continue to be seriously eroded and permanently lost by the local landowners and state of North Dakota because of reservoir management which releases highly fluctuating amounts of clear water capable of eroding and transporting large amounts of soil; and

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir thereby causing the water table to rise in adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent Corps of Engineers' pronouncements, endangered 6,000 acres of land containing 45 homes and valuable farmland; and

WHEREAS, a similar bank erosion problem exists for a 60-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also below the Fort Peck Dam in Montana; and

WHEREAS, the United States Army Corps of Engineers stated in its Final Report to Congress dated December 1981 concerning Missouri River streambank erosion that "Bank erosion in this reach results in a permanent net loss of high valley lands. This process, unless halted, would eventually transform the present river into a wide area of sand bars and channels, occupying an increasing proportion of the valley width between the bluffs";

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

That the Fiftieth Legislative Assembly requests the United States Congress to assume the responsibility for the protection of lands now endangered along the Missouri River in North Dakota by the operation of the Pick-Sloan Plan; and

BE IT FURTHER RESOLVED, that the Congress of the United States authorize and provide funds to the Corps of Engineers for a program for the completion of protection of affected lands along the

Missouri River, and for the maintenance of the installed protective works; and

BE IT FURTHER RESOLVED, Congress is urged to fund this project, not as a normal federal water project appropriation, but instead as part of the maintenance budget of the Pick-Sloan Plan; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota, South Dakota, Nebraska, and Montana Congressional Delegations, the commanding general of the United States Army Corps of Engineers, the Secretary of the Interior of the United States, the Governor of North Dakota, and the North Dakota State Water Commission.

Filed March 17, 1987

CHAPTER 808

HOUSE CONCURRENT RESOLUTION NO. 3023 (Rydell)

RATE FILING REVIEW STUDY

A concurrent resolution directing the Legislative Council to study the procedures and requirements for review of rate filings by health insurers.

WHEREAS, health insurance companies are statutorily required to establish rates to cover reasonably anticipated claims and costs of operation and overhead, to maintain contingency reserves at a proper level, and to provide that rates may not be excessive, inadequate, or unfairly discriminatory; and

WHEREAS, insurers may bid on a basis other than a cost justified basis in order to provide coverage for a large group of insureds; and

WHEREAS, providing coverage to these "captive" insureds on a nonjustified basis requires the insurer to increase rates to those insured who are not part of the "captive" group; and

WHEREAS, health insurers, including nonprofit health service corporations and health maintenance organizations, must file rate schedules with the Commissioner of Insurance for approval or disapproval; and

WHEREAS, any practice which results in "discriminatory" rates should be adequately reviewed by the Commissioner of Insurance pursuant to statutory requirements to ensure a viable health insurance industry and to ensure that the rates charged insureds are cost justified;

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 rate approval procedures followed by the Commissioner of Insurance with respect to health insurers, nonprofit health service corporations, health maintenance organizations, and preferred provider organizations, with special emphasis on the practices of these entities with respect to whether rates cover reasonably anticipated claims of individual groups, cover reasonable costs of operation and overhead expenses, and maintain contingency reserves at appropriate levels with respect to individual 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 809

HOUSE CONCURRENT RESOLUTION NO. 3024 (Rydell)

CAREER GUIDANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing educational programs relating to career guidance and development for children and adults in the state.

WHEREAS, career development is the process of acquiring knowledge, skills, and attitudes which will enable an individual to take a productive and satisfying role in society; and

WHEREAS, the basic components essential for the achievement of career development, namely, self-realization, social relationships, civic responsibilities, and economic efficiency, are among the basic purposes and objectives of public education in North Dakota; and

WHEREAS, career guidance and development is a continuing process best facilitated by educational programs that begin in the early years of an individual's life; and

WHEREAS, the implementation of educational programs relating to career guidance and development is necessary to assist children and adults in making informed career plans and decisions based on knowledge of the world of work, occupational and labor market information, and career exploration, self-assessment, and decisionmaking techniques, and to assist educators, state planners, and policymakers in developing improved educational measures and counseling tools; and

WHEREAS, a serious need presently exists in this state to increase the effectiveness of career guidance and development for children and adults as career counselors generally lack written career guidance and development guidelines, are assigned unrelated tasks in their educational settings, and are provided inadequate work space, materials, and clerical support; and

WHEREAS, the North Dakota Occupational Information Coordinating Committee has received funding for the development and publication of guidelines and standards for use nationwide by states

and local school districts in developing and implementing competency-based career guidance programs for children and adults with emphasis on identifying client outcomes by educational level, counselor competencies, and appropriate institutional resources and capabilities;

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 and providing assistance for educational programs in career guidance and development for children and adults; and

BE IT FURTHER RESOLVED, that the Legislative Council seek recommendations and obtain information concerning the need for career guidance and development programs from counseling professionals representing state agencies, universities, colleges, and elementary and secondary schools, and representatives of the North Dakota Occupational Information Coordinating Committee, the Department of Public Instruction, the State Board of Vocational Education, Job Service North Dakota, and the State Board of Higher Education; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 810

HOUSE CONCURRENT RESOLUTION NO. 3025
(Representatives Hill, Schindler, Kelly)
(Senators Adams, Peterson)

FOREIGN LANGUAGE AND TECHNOLOGY STUDY

A concurrent resolution expressing the importance of the knowledge of foreign languages and the potential benefits to be derived from the use of electronic media to assist in teaching foreign languages in North Dakota schools, and directing the Legislative Council to study the feasibility, cost, and benefits of utilizing current technology to enhance the educational opportunities of North Dakota students.

WHEREAS, the understanding of foreign languages and cultures is necessary for the citizens of this state to become competitive in world trade markets; and

WHEREAS, the economic health of the state of North Dakota is increasingly dependent upon the export market to foreign countries; and

WHEREAS, the continued effectiveness of American foreign policy depends upon diplomatic and intelligence gathering efforts which are based upon a sound knowledge of the world; and

WHEREAS, in order that official policies will reflect the concerns and interests of the American people it is essential for the general public to understand world events; and

WHEREAS, very few students are engaged in the study of foreign languages and international studies in North Dakota schools, colleges, and universities, despite the growing importance of these subjects to the welfare of the nation, state, and the people; and

WHEREAS, the Presidential Commission on Education, the College Board, and the Carnegie Report on Education all recommend increased emphasis on foreign language education; and

WHEREAS, the United States Congress has resolved that local educational agencies and institutions of higher education should consider strengthening the study of foreign languages and cultures through appropriate actions; and

WHEREAS, via the use of current technology such as satellite technology, fiber optics in telephones, and other electronic media, the educational opportunities of North Dakota students can be inexpensively enhanced;

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

That the Fiftieth Legislative Assembly of North Dakota expresses its interest in strengthening foreign language study by gradually requiring the study of foreign languages and cultures as a prerequisite for entrance to postsecondary institutions, requiring courses in international studies and proficiency in a foreign language as a prerequisite to college graduation, improving the courses on international studies in the curriculum at all levels of education, encouraging international exchange programs, offering foreign languages at the secondary school level, placing greater emphasis on teaching foreign languages and cultures for elementary school children, and using programs transmitted by electronic media as a means of making foreign language study available in schools in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council study the feasibility, cost, and benefits of utilizing current technology to enhance the educational opportunities of North Dakota students; 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 Fifty-first Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Superintendent of Public Instruction.

Filed March 18, 1987

CHAPTER 811

HOUSE CONCURRENT RESOLUTION NO. 3027 (Representatives Almlie, V. Olson, Goetz) (Senator Tweten)

HIGHER EDUCATION CHANGES URGED

A concurrent resolution urging the State Board of Higher Education to implement changes in higher education in North Dakota.

WHEREAS, in January 1986 the State Board of Higher Education appointed an advisory panel on the future of higher education in North Dakota; and

WHEREAS, the purpose of the advisory panel on the future of higher education in North Dakota was to develop a written report to the State Board of Higher Education reviewing key policy issues in the North Dakota higher education system and to make policy recommendations designed to maintain the strengths of the system and further improve it within the constraints and opportunities of the state; and

WHEREAS, the panel reviewed the condition of higher education in North Dakota in the context of the state's present trends and addressed broad policy areas such as system organization, educational access, institutional missions and roles, and the ability of the state to continue its current level and type of service to students throughout the state; and

WHEREAS, the advisory panel on the future of higher education in North Dakota visited each of the 11 colleges and universities in this state and met with campus and community leaders, legislators, members of the State Board of Higher Education, media representatives, and other interested persons; and

WHEREAS, the recommendations are intended to reaffirm the primary role of the board to plan for the future of higher education in North Dakota; end the divisive arguments over closing campuses; clarify the meaning and value of access and point to realistic ways of increasing access; and improve the method of financing the colleges and universities to increase equity, flexibility, and accountability;

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

That the Fiftieth Legislative Assembly urges the State Board of Higher Education to adopt the following recommendations of the advisory panel:

1. That the Governor and the legislative leadership should take all steps necessary to charge the State Board of Higher Education with developing a true state system of higher education and that the board should work with the institutions, executive branch, and Legislative Assembly toward this end.
2. The board should set priorities and make plans for higher education in North Dakota subject to oversight by elected officials. Any legislation required to outline the specific duties associated with planning, monitoring, oversight, and policy review should be enacted.
3. Policy discussions about access to educational opportunity for North Dakotans should focus sharply on its several critical dimensions: geographic, program, convenience for students, ability to pay, and ability to benefit as determined by qualitative standards for admission.
4. The political and educational leadership of this state should enter into critical review and discussion to determine the extent to which the historic practice of open enrollment encourages or discourages an effective match between the interests and talents of students and the role and mission of the 11 institutions.
5. The State Board of Higher Education should affirm the need for postsecondary education programs in the communities of Devils Lake, Bottineau, and Mayville and should consider the roles of those institutions and decide what kinds of new institutional arrangements would yield the best educational services to the people in those areas.
6. The State Board of Higher Education should work with the institutions to establish a sharply focused mission, role, and scope for each institution that clearly differentiates it from the others and is geared to statewide needs. The board should ensure that all its decisions reinforce rather than depart from institutional mission, role, and scope agreements.
7. The board should particularly review all one-year certificate and two-year associate degree level programs at its senior campuses to determine, based on program quality, program responsiveness to specific needs of the state, and the presence of unique facilities or resources

- designed for the support of the programs, whether continuation is justified.
8. The board, the Governor, and the Legislative Assembly should make every effort to protect and nurture the quality of the faculty, with the understanding that they are the very heart of each college and university.
 9. The board should:
 - a. Continue its practice of periodic, special reviews of degree programs throughout the state or on individual campuses.
 - b. Officially recognize campus-based review processes and timetables for the review of individual degree programs.
 - c. Expand the value of campus-based reviews by requesting common, systemwide information (including degrees awarded, finances, learning resources, adequacy of classrooms and laboratories, and depth of faculty resources).
 - d. Establish a campus reporting procedure to enable the board staff to monitor the results of campus program reviews and, should there be disagreements with a decision following a review, to challenge the decision in an orderly fashion.
 10. In the interest of access, the board should ensure that the faculties of North Dakota's colleges and universities provide general education opportunities that are basically comparable throughout the state.
 11. The presidents and faculties of the 11 campuses should work together with the board to develop and implement a policy for student transfer that protects the earned credits of students as well as the institution's right to determine major field requirements and to grant its degrees.
 12. The board should consider enrollment ceilings only in the context of the affirmed or revised role and mission statements recommended elsewhere in the project.
 13. If enrollment ceilings are to be adopted or if smaller enrollments are encouraged as a matter of educational philosophy, the universities should not be penalized by budget cuts. Universities must have ways to reduce their overall size yet continue to be compensated equitably for mission-specific and fixed operating costs unrelated to enrollment.

14. The board, in concert with the State Department of Public Instruction, should take all necessary initiatives to engage faculties of the high schools and the colleges in serious, sustained planning to address all aspects of problems associated with the underprepared student.
15. The board should explore with the 11 institutions ways to develop centers of higher education. It should subsequently establish a policy and procedure to encourage and guide the formation and support of such centers and encourage the Governor and Legislative Assembly to support necessary changes in funding structures.
16. The board should establish as policy that each of the 11 institutions develop formal relationships with schools in its region in order to encourage regular, systematic communication on matters of mutual interest and concern.
17. The board should work to achieve a greater degree of financial equity in its interstate reciprocity agreement with Minnesota. Equity should not be defined as exact numerical or dollar balances each year or biennium but rather as a rough balance over time.
18. The State Board of Vocational Education and the State Board of Higher Education should work together to adopt a total system view and plan accordingly for the emerging postsecondary, vocational-technical education needs of North Dakota.
19. The board, in cooperation with the legislative and executive branches, should establish a single, basic higher education funding formula designed with particular attention to the fixed and variable costs of the 11 campuses.
20. The new funding formula should enable institutions to become smaller without incurring undue financial penalty.
21. The board should continue to have existing mechanisms for budget flexibility and should work with the legislative and executive branches to achieve greater budgetary flexibility for the board and for individual campuses in order to meet unexpected institution and system needs during a biennium.
22. The board should be provided with an increase in pooled funds for board use in meeting unexpected interinstitutional and system needs during a biennium. It should also receive a greater degree of authorized discretion in expending pooled funds.

23. The board should be provided with staff and operating resources sufficient to support its proper, necessary leadership role.
24.
 - a. The 1987 Legislative Assembly should increase state-funded student financial aid, if fiscally feasible, to the level proportionate with 1981 tuition rates, as recommended by the interim Budget Committee on Higher Education.
 - b. The Board of Higher Education and the Legislative Assembly should limit the increase in resident student tuition to no more than the projected increase in the consumer price index, as recommended by the interim Budget Committee on Higher Education.
25. The board should work with the Governor and Legislative Assembly to establish a state work-study program to supplement its present programs of financial aid.
26. The board should be provided with a discretionary fund of new moneys to encourage innovations that will improve academic quality in the institutions.
27. The board should receive capital funds for urgent plant maintenance and upgrading scientific equipment.
28. The board and campuses should explore the feasibility of centralizing certain administrative functions. The controlling test is whether savings can be demonstrated without costly delays, new inefficiencies, or infringements on campus self-governance.
29. The board should request the Legislative Assembly to provide state support for approved credit programs offered in higher education centers; and

BE IT FURTHER RESOLVED, that the State Board of Higher Education report to the Legislative Council, or any committee the Legislative Council designates, during the 1987-88 interim on the board's progress in adopting the recommendations.

Filed April 1, 1987

CHAPTER 812

HOUSE CONCURRENT RESOLUTION NO. 3028
(Representative Strinden)
(Senators Tallackson, Olson)DEINSTITUTIONALIZATION EFFORT
RECOGNITION

A concurrent resolution urging the United States District Court for the District of North Dakota to recognize the good faith efforts of the state of North Dakota in attempting to comply with the district court's order concerning the deinstitutionalization of developmentally disabled persons and to modify the order to allow the state to emphasize the individual needs of developmentally disabled persons rather than institution population levels.

WHEREAS, on August 31, 1982, the United States District Court for the District of North Dakota issued its order in the case of Association for Retarded Citizens of North Dakota v. Olson (the name of the defendant has since been changed to Sinner) which required the state to seek placement of the developmentally disabled in existing licensed and accredited facilities or to create community-based residential services to reduce the population at the Grafton State School and San Haven to not more than 450 residents by July 1, 1987, and to not more than 250 residents by July 1, 1989, and to comply with Title XIX regulations by July 1, 1985, and standards for services for developmentally disabled persons developed by the Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons by July 1, 1987, at any facility where a developmentally disabled person is residing; and

WHEREAS, on November 7, 1984, the district court modified its order and created an additional deadline for reducing the number of residents at the Grafton State School and San Haven to not more than 552 persons by July 1, 1985; and

WHEREAS, on June 17, 1985, the district court issued a memorandum and order accepting the parties' stipulated compromise requiring the state to reduce the combined population of the Grafton State School and San Haven to 450 residents by July 1, 1986, one year sooner than required by the district court's original order, to not more than 350 persons by January 1, 1988, and to no more than 250 persons by as early as January 1, 1989; and

WHEREAS, as of October 1986 the state had reduced the population of the Grafton State School and San Haven to 430 residents; and

WHEREAS, despite current budgetary constraints, the state is continuing its good faith efforts to comply with the court-established requirements notwithstanding substantial encroachment on the state's ability to fund other needed programs; and

WHEREAS, the state's efforts to comply with the orders of the district court involve the development of plans and procedures with far-reaching ramifications and involve the appropriation and expenditure of large amounts of tax dollars; and

WHEREAS, the district court retained continuing jurisdiction over the deinstitutionalization of the developmentally disabled until the orders of the court are fully implemented;

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

That the Fiftieth Legislative Assembly urges the United States District Court for the District of North Dakota to modify the court's order for the deinstitutionalization of the developmentally disabled to allow the state to emphasize individual needs of the developmentally disabled rather than institution population levels and to emphasize state control over developmental disabilities services; and

BE IT FURTHER RESOLVED, that the Secretary of State is directed to forward a copy of this resolution to the Attorney General of North Dakota for an appropriate pleading to be submitted to the district court.

Filed April 1, 1987

CHAPTER 813

HOUSE CONCURRENT RESOLUTION NO. 3031 (Martinson)

FORECLOSURE LAWS STUDY

A concurrent resolution directing the Legislative Council to study the nonagricultural real estate foreclosure laws of the state of North Dakota in relation to the foreclosure laws adopted by other states.

WHEREAS, it is a legislative responsibility to review existing laws to provide procedures in the North Dakota court system which are efficient and understandable by all parties affected thereby; and

WHEREAS, many laws governing the foreclosure of nonagricultural real estate mortgages were adopted more than fifty years ago prior to the sale of a real estate mortgage by lenders on the secondary market; and

WHEREAS, current state laws establish a different procedure for foreclosure of a real estate mortgage by the state of North Dakota than for private lenders; and

WHEREAS, the present laws of the state of North Dakota, in effect, do not allow for deficiency judgments, which are permitted in nearly all other states; and

WHEREAS, the present statutes in North Dakota dealing with foreclosures of nonagricultural real estate mortgages may affect the ability of lenders to sell loans on a secondary market;

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 present laws dealing with foreclosure of nonagricultural real estate mortgages in the state of North Dakota by the state of North Dakota and private lenders, and that the Legislative Council review foreclosure laws of other states in order to determine the desirability of adopting new laws in the state of North Dakota; 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 Fifty-first Legislative Assembly.

CHAPTER 814

HOUSE CONCURRENT RESOLUTION NO. 3032
(Representatives J. DeMers, Haugland, Mertens)
(Senators Waldera, Todd, Schoenwald)

BLOCK GRANT PROGRAM

A concurrent resolution expressing appreciation for the contributions made by community action agencies on behalf of the low income population of this state and urging the Congress of the United States to continue funding the community services block grant program.

WHEREAS, over 80,000 residents of North Dakota live on annual incomes below the poverty level; and

WHEREAS, community action agencies provide a broad range of services and activities to help the poor secure employment, attain education, manage available income, obtain and maintain adequate housing, obtain emergency assistance, overcome obstacles to self-sufficiency, and participate in the affairs of the community; and

WHEREAS, each community action agency has a board of directors composed of democratically elected representatives of low income persons, elected public officials or their designees, and representatives of local business, education, religious, civic, and charitable organizations; and

WHEREAS, community action agencies in North Dakota have completed 10 or more years of service to the low income population and communities of this state;

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

That the Fiftieth Legislative Assembly expresses its appreciation on behalf of the citizens of North Dakota for the valuable contributions made by the boards of directors, employees, and the many volunteers associated with Community Action Opportunities, Inc., of Minot; Dakota Prairie Community Action Agency, Inc., of Devils Lake; Quad County Community Action Agency of Grand Forks; Southeastern North Dakota Community Action Agency of Fargo; Community Action Region VI, Inc., of Jamestown; Community

Action Program VII, Inc., of Bismarck; and Community Action and Development Program, Inc., of Dickinson; and

BE IT FURTHER RESOLVED, that the Congress of the United States is urged to continue funding the community services block grant program which is an essential source of funding for community action agencies; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation and to the chairpersons of the boards of directors and executive directors of community action agencies in the state.

Filed March 25, 1987

CHAPTER 815

HOUSE CONCURRENT RESOLUTION NO. 3035 (Meyer, Klundt, D. Olsen, Strinden)

INSTRUCTORS' ENGLISH PROFICIENCY

A concurrent resolution recommending that the State Board of Higher Education take remedial action concerning problems created by the instructional staff at the state institutions of higher education who have difficulty speaking English.

WHEREAS, many of the instructors at the state institutions of higher education which are under the control of the State Board of Higher Education have a language other than English as their principal language; and

WHEREAS, students enrolled in courses taught by those instructors have difficulty understanding them; and

WHEREAS, many residents of this state, many former students, and many students currently enrolled in the institutions of higher education in this state are concerned about the quality of instruction that is being received from the instructional staff who have difficulty speaking the English language;

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

That the Fiftieth Legislative Assembly recommends that the State Board of Higher Education immediately study the magnitude of the problem caused by instructors who have difficulty with the English language and that the board take the necessary action to reduce and ultimately eliminate this problem; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the members of the State Board of Higher Education.

Filed April 1, 1987

CHAPTER 816

HOUSE CONCURRENT RESOLUTION NO. 3038
(Representatives Wald, Goetz)
(Senators Waldera, David)

BLUE HAWKS FOOTBALL TEAM

A concurrent resolution congratulating the 1986 State University of North Dakota - Dickinson Blue Hawks football team for its nationally ranked performance.

WHEREAS, the State University of North Dakota - Dickinson Blue Hawks football team, coached by Hank Biesiot, recently completed its eighth consecutive winning season, closing its 1986 season with a perfect nine wins and no losses regular season record; and

WHEREAS, the Blue Hawks were ranked as high as number two and finished their season ranked third in the National Association of Intercollegiate Athletics Division II ratings; and

WHEREAS, the Blue Hawks achieved a national ranking of second in team scoring defense, second in team rushing defense, fifth in team scoring offense, seventh in team rushing offense, and seventh in team total offense; and

WHEREAS, the Blue Hawks appeared in an NAIA quarter final playoff game; and Dickinson, for the first time, hosted an NAIA Division II playoff; and

WHEREAS, the State University of North Dakota - Dickinson Blue Hawk football team has brought national recognition to Dickinson and this state;

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

That the Fiftieth Legislative Assembly extends to all members of the Blue Hawk football team and to their coach, Hank Biesiot, its heartiest congratulations for their superlative athletic performances and national achievement; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to coach Hank Biesiot and the Blue Hawk football team members.

Filed February 10, 1987

CHAPTER 817

HOUSE CONCURRENT RESOLUTION NO. 3039
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)

CITIZENS DAY

A concurrent resolution designating October 1, 1989, as "Citizens Day" to recognize the role citizens played in creating and developing the state of North Dakota.

WHEREAS, the North Dakota Centennial will be celebrated in 1989; and

WHEREAS, the attainment of 100 years of statehood calls for recognizing and remembering the contribution people played in creating and developing North Dakota; and

WHEREAS, it is universally acknowledged that citizens are a state's most valuable resource; and

WHEREAS, North Dakota voters approved the state constitution by a vote of 27,441 to 8,108 on October 1, 1889, and elected their governing officials;

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

That October 1, 1989, is designated as "Citizens Day" and the Governor is urged to issue a proclamation requesting people of the state to recognize and remember as may be most convenient and proper the 100th anniversary of the election wherein citizens approved the creation of the state of North Dakota and elected their governing officials; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Governor.

Filed February 10, 1987

CHAPTER 818

HOUSE CONCURRENT RESOLUTION NO. 3040
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)

CENTENNIAL BRIDGE

A concurrent resolution designating the new highway bridge carrying Bismarck Expressway across the Missouri River between Bismarck and Mandan as the North Dakota Centennial Bridge.

WHEREAS, the North Dakota Centennial will be celebrated in 1989; and

WHEREAS, the attainment of 100 years of statehood calls for establishing permanent reminders of this significant event in state history; and

WHEREAS, the North Dakota Centennial Commission is charged with stimulating, coordinating, conducting, and assisting in activities relating to 100 years of statehood; and

WHEREAS, the new bridge carrying Bismarck Expressway across the Missouri River between Bismarck and Mandan is presently without a name; and

WHEREAS, the North Dakota Centennial Commission has adopted a resolution in favor of naming this bridge;

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

That the new highway bridge carrying Bismarck Expressway across the Missouri River between Bismarck and Mandan is designated as the "Centennial Bridge" in observance of 100 years of statehood for North Dakota; and

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

Filed February 10, 1987

CHAPTER 819

HOUSE CONCURRENT RESOLUTION NO. 3041
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)

STATEHOOD DAY

A concurrent resolution designating November 2 of each year as "Statehood Day" observing North Dakota's entry into the Union.

WHEREAS, the North Dakota Centennial will be celebrated in 1989; and

WHEREAS, the attainment of 100 years of statehood calls for establishing permanent reminders of significant events in state history; and

WHEREAS, President Benjamin Harrison signed a proclamation of statehood admitting North Dakota into the Union on November 2, 1889;

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

That in order to promote and encourage the observance and remembrance of that day in 1889 when North Dakota entered the Union as a state, November 2 of each year is designated and established as "Statehood Day" for the State of North Dakota. State officials are encouraged to observe as may be most convenient and proper the anniversary of North Dakota statehood.

Filed February 10, 1987

CHAPTER 820

HOUSE CONCURRENT RESOLUTION NO. 3042
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)

DIVISION DAY

A concurrent resolution designating July 10, 1988, as "Division Day" to observe and remember the day when citizens of Dakota Territory convened a "pro-division" convention to create two states.

WHEREAS, the State Centennials of North Dakota and South Dakota are celebrated in 1989; and

WHEREAS, the attainment of 100 years of statehood calls for greater awareness of those events that were significant to the transformation from Dakota Territory into the states of North Dakota and South Dakota; and

WHEREAS, citizens of Dakota Territory convened a pro-division convention in Huron on July 10, 1888;

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

That July 10, 1988, is designated as "Division Day" and the Governor is urged to issue a proclamation requesting the people of the state and the appropriate state agencies to participate in a joint project with citizens of the state of South Dakota to observe and remember the 100th anniversary of formal planning that led to the creation of two states from Dakota Territory; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the governors of North Dakota and South Dakota and to the presiding officer of each house of the South Dakota Legislative Assembly.

Filed February 10, 1987

CHAPTER 821

HOUSE CONCURRENT RESOLUTION NO. 3043
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)

NATIVE AMERICAN DAY

A concurrent resolution designating April 5, 1989, as "Native American Day" to honor the indigenous people of the land that became the state of North Dakota.

WHEREAS, the North Dakota Centennial will be celebrated in 1989; and

WHEREAS, the attainment of 100 years of statehood calls for recognizing that the land that became North Dakota had been peopled for thousands of years prior to statehood; and

WHEREAS, numerous natural and manmade features of North Dakota are yet referred to by names given by these early Native American stewards of the land; and

WHEREAS, the descendants of these early, upper plains inhabitants today contribute significantly to modern North Dakota society;

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

That April 5, 1989, be designated as "Native American Day" and that the Governor is urged to issue a proclamation requesting people of the state to recognize and honor as may be most convenient and proper the native people and their ancestors who occupied the land that became the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Governor.

Filed February 10, 1987

CHAPTER 822

HOUSE CONCURRENT RESOLUTION NO. 3047 (Mertens, Strinden, Martinson)

STATE EMPLOYEES HEALTH INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the North Dakota state employees health insurance program.

WHEREAS, direct payments for persons enrolled in the uniform group insurance program for state employees are approaching \$45 million per biennium; and

WHEREAS, health insurance premiums need to increase 35 percent for active employees and 85 percent for retired employees if current benefits are to continue; and

WHEREAS, the executive budget recommends a six percent increase for the first year and a seven percent increase for the second year of the 1987-89 biennium; and

WHEREAS, the cost of medical benefits for retired employees is increasing more rapidly than for current employees; and

WHEREAS, retired employees must pay the full cost of premiums; and

WHEREAS, the limitations placed on state revenues may affect the state's ability to finance the current medical insurance program; and

WHEREAS, the Legislative Assembly does not directly control the level and type of benefits provided by the current uniform group insurance plan administered by the Public Employees Retirement System; and

WHEREAS, the development of a long-term benefits and funding plan for retired employees could avoid serious fiscal problems in future 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 conduct a study of the uniform group insurance program administered by the Public Employees Retirement System to determine the extent to which the program should be subject to legislative control, the type of administration best suited for the program, and options for providing adequate affordable coverage for active and retired employees; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 823

HOUSE CONCURRENT RESOLUTION NO. 3048
(Representatives Nowatzki, O'Shea, Anderson)
(Senators Vosper, Richard)

GRAIN TESTING STUDY

A concurrent resolution directing the Legislative Council to study the use of near infrared reflectance analyzers to test grain protein content.

WHEREAS, high grain protein content is of significant economic value to North Dakota farmers and public warehousemen in the marketing of grain; and

WHEREAS, most grain warehousemen use near infrared reflectance analyzers to determine the percentage of protein in grain because these analyzers are easy and convenient to operate; and

WHEREAS, near infrared reflectance analyzers are subject to considerable variability in performance because maintenance and calibration of an analyzer and the testing procedure of the operator affect the results;

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 use of near infrared reflectance analyzers to determine the feasibility of establishing a procedure to assure and certify the accuracy of grain protein reflectance analyzers used 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 824

HOUSE CONCURRENT RESOLUTION NO. 3049 (Larson)

CHAND LOSS REDUCTION STUDY

A concurrent resolution directing the Legislative Council to study methods of reducing losses incurred by the Comprehensive Health Association.

WHEREAS, the Comprehensive Health Association is a statutory entity created to provide health insurance coverage to people normally unable to obtain accident and health insurance; and

WHEREAS, there has been dramatic growth in enrollments in, and a corresponding increase in the number of claims and losses of, the Comprehensive Health Association since its inception in 1981; and

WHEREAS, factors that may have contributed to the increase in losses include the level of premiums permitted, the range of benefits required, and the mandatory buyout of the waiting period to obtain coverage of preexisting conditions; and

WHEREAS, to maintain the viability of the Comprehensive Health Association, care management and cost containment procedures may be necessary, including requirements for second opinions, concurrent and retrospective review of hospital admissions, preadmission authorization, and medical record and claim audits;

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 plans required to be offered by the insurance companies who are members of the Comprehensive Health Association to determine whether losses can be reduced, including a review of the basic care management, cost containment measures, and utilization of control techniques that may be appropriate for the Comprehensive Health Association; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 825

HOUSE CONCURRENT RESOLUTION NO. 3050 (Whalen)

LABOR AGENCY CONSOLIDATION STUDY

A concurrent resolution directing the Legislative Council to study the functions and duties of Job Service North Dakota and the Workmen's Compensation Bureau with a view toward reorganizing those agencies.

WHEREAS, Job Service North Dakota and the Workmen's Compensation Bureau exist as separate state agencies; and

WHEREAS, those agencies perform roughly analogous functions with respect to the workers of this state, namely insuring them against loss of wages due to economic events and against injury on the job; and

WHEREAS, in many states of the Union the functions presently performed by Job Service North Dakota and the Workmen's Compensation Bureau are performed by a single state agency; and

WHEREAS, combining the functions of Job Service North Dakota and the Workmen's Compensation Bureau might increase governmental efficiency and provide improved services to the employers and workers of this state, as well as a more efficient and more effective use of public 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 study the functions and duties of Job Service North Dakota and the Workmen's Compensation Bureau, particularly with a view as to whether those functions should be performed by a single agency; 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 Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 826

HOUSE CONCURRENT RESOLUTION NO. 3051
(Representative Smette)
(Senator Adams)
(Approved by the Committee on Delayed Bills)

INTERNATIONAL PEACE GARDEN

A concurrent resolution urging state agencies, especially the Economic Development Commission and the State Highway Department, to give recognition and publicity to the International Peace Garden in their publications.

WHEREAS, for over 50 years the International Peace Garden has represented an unparalleled spirit of friendship and cooperation between two of the greatest nations in the world; and

WHEREAS, through the International Music Camp and the Legion Athletic Camp, the International Peace Garden provides exceptional opportunities for aspiring young athletes, musicians, and creative artists to hone their talents under the instruction of internationally acclaimed faculty; and

WHEREAS, thousands of people every year visit the International Peace Garden and marvel at the exquisite beauty and pastoral serenity of this botanical masterpiece; and

WHEREAS, the International Peace Garden stands as an enduring testament to the desire to achieve peace and goodwill among nations; and

WHEREAS, increased publicity and recognition of the International Peace Garden would enhance public awareness of the inspiration and singular beauty of this unique attraction;

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

That the Fiftieth Legislative Assembly strongly urges that all state agencies, especially the Economic Development Commission and the State Highway Department, give recognition and publicity to the International Peace Garden in their publications; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Director of Tourism of the Economic Development Commission, the State Highway Commissioner, and to all other state agencies that could give recognition and publicity to the International Peace Garden in their publications.

Filed March 18, 1987

CHAPTER 827

HOUSE CONCURRENT RESOLUTION NO. 3053
(Representatives G. Berg, Peterson, Kuchera)
(Senators Adams, Streibel, Redlin)

WATERFOWL STUDY

A concurrent resolution directing the Legislative Council to study the problems caused by and associated with waterfowl.

WHEREAS, waterfowl located in this state and waterfowl migrating from pothole to pothole, stream to stream, lake to lake, river to river, and river basin to river basin may carry and spread disease, biota, fish, fish eggs, and undesirable plant seeds, contribute wastes and nutrients, and may cause a general diminution in water quality; and

WHEREAS, problems associated with botulism and algae on the state's rivers, lakes, and potholes may affect the quality and quantity of water available for residential, municipal, industrial, recreational, and agricultural use in this state; and

WHEREAS, botulism epidemics have killed a large number of waterfowl in North Dakota national wildlife refuges and in other areas of the state and nation; and

WHEREAS, it is in the public interest and enhances the public welfare to have adequate and clean water resources for all beneficial uses, including the state's waterfowl;

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 caused by and associated with waterfowl, especially problems caused in those areas of the state having seasonal waterfowl concentrations such as wildlife refuge systems and other water-oriented waterfowl management areas and the potential of these problems to adversely impact the supply of water in this state; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 828

HOUSE CONCURRENT RESOLUTION NO. 3054
(Representatives Payne, Kloubec, R. Berg, Dorso,
Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider)
(Senators Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos)
(Approved by the Committee on Delayed Bills)

BISON FOOTBALL TEAM CONGRATULATED

A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

WHEREAS, the North Dakota State University Bison football team, coached by Earle Solomonson, completed their 1986 season with a record of 13 wins and no losses and captured the NCAA Division II championship for the third time in the last four seasons; and

WHEREAS, the Bison have appeared in Division II post-season play during six successive seasons, a feat unequaled by any other team; and

WHEREAS, the Bison have been awarded national championships by the wire service in 1965, 1968, and 1969, and have won national championships on the playing field in 1983, 1985, and 1986; and

WHEREAS, during the first round of the 1986 Division II playoffs, the Bison set a single game rushing record of 523 yards and then culminated their playoff performance by establishing a Division II playoff total rushing record of 1,146 yards; and

WHEREAS, the Bison established a record of 11 wins and one loss during the past 12 Division II playoff games and the Bison's 13 wins and no losses during the 1986 season continues an extraordinary 23 game winning streak; and

WHEREAS, the Bison football program is widely regarded as the most successful football program in Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

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

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State

University Bison football team and their coach Earle Solomonson its heartiest congratulations for their superlative athletic achievements and nationally recognized performance; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and coach Earle Solomonson.

Filed February 10, 1987

CHAPTER 829

HOUSE CONCURRENT RESOLUTION NO. 3055
(Representatives Payne, Kloubec, R. Berg, Dorso,
Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider)
(Senators Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos)
(Approved by the Committee on Delayed Bills)

JEFF BENTRIM CONGRATULATED

A concurrent resolution congratulating Jeff Bentrим on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

WHEREAS, Jeff Bentrим, as quarterback of the North Dakota State University Bison, has led the Bison to three national NCAA Division II titles within the past four seasons; and

WHEREAS, during the Bison's 1986 Division II championship win over the South Dakota Coyotes, Jeff Bentrим rushed for 111 yards and scored two touchdowns; and

WHEREAS, while leading the Bison to a 13 wins and no losses season record in 1986, Jeff Bentrим broke Walter Payton's career touchdown rushing record, set 11 school records, and ran for over 100 yards four times during the season, giving him a career total of seventeen 100-yard games; and

WHEREAS, Jeff Bentrим has accomplished the unparalleled feat of leading the Division II in scoring for three years; and

WHEREAS, Jeff Bentrим has been selected as captain of the offense on the Associated Press Little All-American football team, and he was the first recipient of the prestigious Harlon Hill Trophy designating him the outstanding athlete in Division II;

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

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Jeff Bentrим for his many superb achievements in the sport of collegiate football; and

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

Filed February 10, 1987

CHAPTER 830

HOUSE CONCURRENT RESOLUTION NO. 3056 (Tollefson)

NONPROFIT ORGANIZATION CONTRIBUTIONS STUDY

A concurrent resolution directing the Legislative Council to study methods to encourage contributions to nonprofit organizations in North Dakota.

WHEREAS, in these days of diminishing ability of government to provide the many kinds of services to people that are beneficial and useful, the user of these services must turn to other means of aid--the nonprofit charitable organization; and

WHEREAS, nonprofit charitable organizations depend upon dedicated, hardworking, unpaid, or woefully underpaid individuals for providing help to all of us in times of natural disaster and personal distress; and

WHEREAS, although hard working and dedicated individuals are the backbone of any charitable organization's good works, almost all such organizations need materials, supplies, and other items that can only be purchased with money; and

WHEREAS, the ability of generous and kindhearted people to provide needed materials, supplies, and other items, can be tried to the point where they are unable to make uncompensated donations of these materials and supplies to charitable organizations, no matter how worthy and deserving; and

WHEREAS, although many charitable contributions are deductible under federal income tax law, and the deduction is also available under our state's income tax law, there are some kinds of charitable projects that particularly benefit this state and deserve a special encouragement in the form of additional state income tax deduction or credit, or other tax consideration, such as lower property taxes;

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 encourage contributions to nonprofit organizations in this state, including income tax deductions and credits, property tax credits or exemptions, and other incentives, and defining what organizations should be eligible to receive contributions encouraged by such methods; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 831

HOUSE CONCURRENT RESOLUTION NO. 3057 (Meyer, Mertens, Klundt, Gates)

GROUP CHILD TREATMENT FACILITY STUDY

A concurrent resolution directing the Legislative Council to study the financing, type, and potential location of group or residential child treatment facilities needed for foster care or educational placements.

WHEREAS, over sixty foster care and boarding care children are placed in out-of-state group or residential treatment facilities each year; and

WHEREAS, over one million dollars each year is spent as a result of placing these children in out-of-state child treatment facilities; and

WHEREAS, these funds would be better spent in developing child treatment facilities within the state of North Dakota; and

WHEREAS, there would be an immediate financial benefit to the state, counties, and local school districts if these children were placed in facilities within North Dakota; and

WHEREAS, child and family unification is more easily accomplished when a child is placed in a proximity closer to the child's home; and

WHEREAS, it is more effective to place children in the least restrictive setting; and

WHEREAS, a demonstration project creating such a facility could be established with proper records maintained as to program and cost effectiveness, and the Departments of Public Instruction and Human Services could jointly plan for the administration and operation of the demonstration facility; and

WHEREAS, a comprehensive treatment plan is more easily established and carried out when the educational and residential components are under one 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 study the financing, type, and potential location of group or residential child care treatment facilities needed in North Dakota for children currently placed in foster care or boarding care facilities by the Department of Human Services or county social service boards or in boarding care facilities by a local school district in accordance with rules and regulations of the Department of Public Instruction; 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 832

HOUSE CONCURRENT RESOLUTION NO. 3058 (Hoffner, Hill, C. Nelson, Myrdal)

STUDENT TESTING AND REMEDIAL PROGRAMS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing a program for competency testing of elementary and secondary students and of providing remedial programs for students who need assistance mastering basic skills.

WHEREAS, it is the responsibility of the state to ensure that all students receive an education; and

WHEREAS, many students, whose educational attainment level is below the level that is appropriate for children of their age, are educationally deprived; and

WHEREAS, the state could require testing of all children in the areas of mathematics, reading, and writing skills in elementary and secondary schools on a periodic basis to identify those students who are educationally deprived; and

WHEREAS, standardized test scores, informal diagnosis, records of academic performance, and observations by professional staff are factors that should be used to identify educationally deprived children; and

WHEREAS, a program to provide remedial assistance to individual students who are educationally deprived would assist those children in reaching or exceeding the levels of educational attainment that is appropriate for those children;

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 implementing a program for competency testing of elementary and secondary students in the areas of mathematics, reading, and writing skills and of providing remedial programs to educationally deprived students; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 833

HOUSE CONCURRENT RESOLUTION NO. 3059
(Representatives Hoffner, Opedahl)
(Senator W. Meyer)

OIL TAX REVENUE STUDY

A concurrent resolution directing the Legislative Council to study methods of stabilizing receipts from taxes imposed on oil production.

WHEREAS, volatile fluctuations in oil prices in recent years have seriously affected North Dakota industry and state government; and

WHEREAS, events of the past decade have demonstrated the hazards of dependence of state revenues and expenditures on oil prices and production; and

WHEREAS, mineral resources of the state are held in trust for future generations and depletion of these resources can only benefit North Dakota in the future if a portion of oil and gas tax revenues is set aside for future needs; and

WHEREAS, designation of a portion of oil and gas tax revenues, at times of high oil and gas tax revenue receipts, for deposit in a fund for offsetting harmful effects of decreased oil and gas tax revenues in times of low oil and gas tax revenue receipts could serve to stabilize revenue and budget considerations of state government and may provide the additional benefit of offsetting harmful effects to the state in 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 methods by which a portion of oil tax revenues received at times of high oil prices and production could be preserved for future use and study methods to establish standards for future use of such revenues with a goal of stabilizing state revenues and expenditures and benefiting the state in general; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 834

HOUSE CONCURRENT RESOLUTION NO. 3060
(Representatives Hoffner, Hill, C. Williams, Klundt)
(Senator Heinrich)

SMALL SCHOOLS STUDY

A concurrent resolution directing the Legislative Council to study small but necessary schools to determine what needs to be done to capitalize upon the strengths as well as correct the deficiencies of those schools.

WHEREAS, the state has a vital interest in ensuring that state funds for education are used in the most efficient way to improve the quality of education; and

WHEREAS, of the approximately 310 school districts in this state, 118 operate high schools with fewer than 74 students and 84 of the high school districts with fewer than 74 students operate within 15 miles of another high school unit; and

WHEREAS, in studying the cost effectiveness of the small schools in relation to the quality of education provided by those schools, it is necessary to consider the enrollment in small schools the credentials of teachers in small schools; the course offerings and course content provided by small schools; the school facilities, equipment, and specialized services available in small schools; the test scores of pupils attending small schools; and the college candidates or graduates that attended small schools; and

WHEREAS, small schools can be as excellent and productive as schools anywhere in the nation, but deliberate actions may be necessary to build on the strengths of those schools; and

WHEREAS, small schools have historically shared problems such as recruiting highly competent teachers and administrators, securing needed capital and operating funds, and compensating for the inherent isolation and population sparsity of rural areas; and

WHEREAS, small schools have many unique characteristics that defy quantitative analyses or statistical description such as a less pressured environment; the spirit of cooperation; the opportunity for leadership development; and the less formal interaction among students, staff, and parents; and

WHEREAS, small school consolidation and school district reorganization have been supported by policy makers in the education fields; and

WHEREAS, nearly every state has enacted legislation which either mandates or encourages some degree of consolidation and reorganization in small school systems with the intent that consolidation or reorganization will result in more economical and efficient schools; and

WHEREAS, this state should consider providing fiscal incentives to small schools to encourage consolidation or reorganization, if appropriate; and

WHEREAS, for some small schools it may be more sensible to devise creative ways of bringing resources to the children rather than forcing the children to go long distances for those resources; and

WHEREAS, consolidation or reorganization for some small schools may not be educationally advantageous; and

WHEREAS, it may be appropriate for the state to offer small schools a full range of technical assistance services directed at improving those schools; and

WHEREAS, possible alternatives to consolidation and reorganization include regionalizing expensive programs such as vocational education or special education; providing support services by regional units to schools and districts that want to remain small; establishing a teacher corps system using special-subject teachers, paraprofessionals, teaching assistants, and tutors to compensate for instructional weaknesses in small schools; encouraging voluntary cooperative agreements among schools for the sharing of teachers and other services; developing a new system of delivery for educational services and programs; and encouraging the use of advanced technologies for the delivery of educational services;

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 role of small but necessary elementary and secondary schools to determine what needs to be done to capitalize upon the strengths as well as to correct the deficiencies of those schools; and

BE IT FURTHER RESOLVED, that the Legislative Council review the findings and recommendations of the small schools task force of the Department of Public Instruction; 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 Fifty-first Legislative Assembly.

CHAPTER 835

HOUSE CONCURRENT RESOLUTION NO. 3062
(Representatives G. Berg, Nicholas, Kingsbury)
(Senators Nelson, Langley)
(Approved by the Committee on Delayed Bills)

FARM CREDIT ADMINISTRATION TO AID FARMER

A concurrent resolution urging the Farm Credit Administration to adopt debt restructuring initiatives and develop lending programs and policies to aid farmers who are established in agriculture.

WHEREAS, many farmers and ranchers in North Dakota and throughout the entire United States are faced with the real possibility of foreclosure on real estate and other farm assets; and

WHEREAS, in many cases, agricultural producers owe debts to lenders that exceed the current values of the land and other agricultural assets securing the loans; and

WHEREAS, lenders will generally receive no more than the current value of land and other agricultural assets if the land and assets are foreclosed upon and sold to a new purchaser; and

WHEREAS, lenders are offering financing rates as low as 4.9 percent to purchasers of agricultural properties that lenders have acquired through foreclosure proceedings; and

WHEREAS, the previous owner of the property, in many cases, would have been able to show repayability of obligations if payments had been based on the current value of the land and on the concessionary rates of interest offered to the new purchasers of acquired properties; and

WHEREAS, sales of acquired property are generally made to investors, speculators, or farmers who are expanding their current operations; and

WHEREAS, these sales accelerate the depopulation of rural North Dakota and threaten the future survival of the entire rural communities;

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

That the Fiftieth Legislative Assembly urges the Farm Credit Administration to adopt debt restructuring programs and policies that give existing farmers and ranchers the same repayment terms that are currently being offered to purchasers of acquired properties; and

BE IT FURTHER RESOLVED, that the Farm Credit Administration develop programs and policies to give beginning farmers priority and attractive financing terms to purchase acquired properties in cases where debt restructuring is not workable and the lenders have acquired the real estate involved; and

BE IT FURTHER RESOLVED, that farmers having existing operations be given priority over investors and speculators; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the chairman of the Farm Credit Administration, the board of directors of the St. Paul Farm Credit Services, the chairmen of the United States Senate and House Committees on Agriculture, each member of the North Dakota Congressional Delegation, and the Governor of North Dakota.

Filed March 31, 1987

CHAPTER 836

HOUSE CONCURRENT RESOLUTION NO. 3063 (Kloubec)

UNEMPLOYMENT STUDY

A concurrent resolution directing the Legislative Council to study the makeup of the advisory councils appointed under the North Dakota unemployment insurance law, to monitor the status of the unemployment insurance trust fund reserve during the interim, and to examine other approaches to the problem of unemployment.

WHEREAS, under the North Dakota unemployment insurance law, Job Service North Dakota is required to appoint a state advisory council and local advisory councils to assist Job Service North Dakota in formulating policies and discussing problems relating to the administration of Job Service North Dakota, and to assure impartiality and freedom from political influence in the solution of those problems; and

WHEREAS, the advisory councils are required to be made up of an equal number of employer representatives and employee representatives, as well as members of the general public; and

WHEREAS, the advisory councils are charged with the responsibility of giving advice and aid to Job Service North Dakota so that appropriate steps may be taken to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining, and guidance; to investigate and otherwise assist in the establishment of reserves to be used for public works to be built in times of business depression and unemployment; and to promote the reemployment of unemployed workers throughout the state in every feasible way; and

WHEREAS, the unemployment insurance trust fund reserve in North Dakota, as in most states, is based on contributions entirely paid by the employers, on the basis of the covered payroll of the employers; and

WHEREAS, although much attention is paid to the status of the unemployment insurance trust fund, other methods of reducing unemployment deserve careful consideration, such as retraining,

workfare programs and day care centers, adult learning centers, and other job training and employment services;

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 makeup of the advisory councils to Job Service North Dakota; monitor the stability of the unemployment insurance trust fund reserve, paying particular attention to any significant increases or decreases in that fund's level; and examine other approaches and solutions to problems of unemployment, such as retraining, workfare programs and day care centers, adult learning centers, and other job training and employment 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 Fifty-first Legislative Assembly.

Filed March 26, 1987

CHAPTER 837

HOUSE CONCURRENT RESOLUTION NO. 3064 (Meyer)

MONETARY COMMISSION

A concurrent resolution urging the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission.

WHEREAS, the rights of the citizens of the United States to economic freedom, domestic tranquility, and prosperity without excessive interest and taxation should not be abridged nor denied by any private corporation using any debt instrument or note as a basis for credit and currency; and

WHEREAS, by passage of the Federal Reserve Act of 1913 [38 Stat. 251; 12 U.S.C. 221], Congress established the Federal Reserve System, which is composed of a Board of Governors, 12 regional Federal Reserve Banks and member banks, the Federal Open Market Committee, and several councils; and

WHEREAS, the Federal Reserve System operates on a fractional reserve banking basis and possesses wide discretionary authority to issue federal reserve notes, determine the cost and availability of money and credit, and to direct and influence the monetary policy of the United States; and

WHEREAS, the termination of fractional reserve banking and the establishment of the United States Monetary Commission would ensure an equitable and sound monetary policy;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission; and

BE IT FURTHER RESOLVED, that the legislation provide for the initiation of a United States Treasury Credit Monetary System, and

grant the United States Treasury, when authorized by the United States Monetary Commission, the sole and exclusive power to create all money and establish the value thereof; 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 April 10, 1987

CHAPTER 838

HOUSE CONCURRENT RESOLUTION NO. 3066 (Representatives Hoffner, Lautenschlager, Hamerlik) (Senators Mathern, Peterson)

ADULT EDUCATION FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the funding of adult basic and secondary education, to review the various alternative methods of funding this type of education, and to arrive at a method of funding adult basic and secondary education that is secure and stable.

WHEREAS, approximately 58 percent of the funding for the adult basic and secondary education program is from federal sources and approximately 42 percent of the funding is from state sources; and

WHEREAS, these sources of funding have not been stable in the past and future funding of this program is uncertain; and

WHEREAS, many adults in this country are functionally illiterate and lack basic skills beyond a fourth grade level; and

WHEREAS, in North Dakota, approximately 121,000 adults over 25 years of age have less than a high school education, 65,800 have less than an eighth grade education, and 12,000 to 13,000 have less than a fourth grade education; and

WHEREAS, as workers continue to be replaced by job technology and as more adults change careers, there is a growing pool of workers who lack the basic skills to learn new jobs; and

WHEREAS, the adult basic and secondary education program provides instructional services to adults below the college level who do not have basic academic skills, a high school diploma, or career and job skills; and

WHEREAS, the state should provide a secure and stable source of funding for adult basic and secondary education that would enable the program to continue to meet the existing demand for services and programs and to meet the growing need for such programs;

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 funding of the adult basic and secondary education program to determine a method of funding that is secure and stable and will enable the program to meet the existing and growing need for adult basic and secondary education 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 839

HOUSE CONCURRENT RESOLUTION NO. 3067 (Rice)

AGRICULTURAL RESEARCH DISSEMINATION STUDY

A concurrent resolution directing the Legislative Council to study the research services provided in this state by various entities to determine how resources can be most efficiently used to enhance and preserve the delivery of research information available to farmers and agribusinesses in this state.

WHEREAS, the various interest groups in agricultural industries place a high priority on research and marketing of agricultural products, especially considering the current economic climate in this state and in the nation; and

WHEREAS, the Commissioner of Agriculture, the experiment stations and extension services of North Dakota State University, the Economic Development Commission, the Agricultural Products Utilization Commission, and the Greater North Dakota Association collectively promote and support research designed to enhance farmers' profits; and

WHEREAS, the North Dakota Agricultural Statistics Service provides vital research statistics and information to farmers and agribusinesses in this state; and

WHEREAS, cooperative efforts among these organizations could maximize federal, state, and local resources;

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 research services provided in this state by various entities to determine how resources can be most efficiently used to enhance and preserve the delivery of research information available to farmers and agribusinesses 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 840

HOUSE CONCURRENT RESOLUTION NO. 3068 (Hoffner, C. Nelson, Meyer, Gates, Wentz)

SCHOOL CORPORAL PUNISHMENT STUDY

A concurrent resolution directing the Legislative Council to study corporal punishment in schools.

WHEREAS, the use of corporal punishment in schools has been defined as punishment inflicted upon the body of a student to modify the student's behavior; and

WHEREAS, North Dakota does not prohibit the use of corporal punishment; and

WHEREAS, many states including North Dakota specifically allow the use of reasonable physical force by school authorities to restrict unruly students, to correct unacceptable behavior, and to maintain order necessary to conduct an educational program; and

WHEREAS, the courts have generally upheld the reasonable application of punishment in schools and have not found that such use is a violation of a student's right to due process; and

WHEREAS, New Jersey, Hawaii, Massachusetts, Maine, and Vermont specifically prohibit the use of corporal punishment in schools; and

WHEREAS, the prohibition of corporal punishment in schools may prevent school authorities from maintaining proper discipline in schools because they fear that the use of any type of punishment could lead to litigation; and

WHEREAS, alternatives to enacting a law that would prohibit the use of corporal punishment statewide which should be considered would be to allow individual school districts to establish their own policies regarding corporal punishment or to allow the Superintendent of Public Instruction to adopt rules regarding the use of corporal punishment;

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 corporal punishment in schools and review the laws on corporal punishment in other states to determine whether the use of corporal punishment in schools should be prohibited or regulated at the state or local level; 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 841

HOUSE CONCURRENT RESOLUTION NO. 3069
(Representatives Kloubec, Martinson, Skjerven)
(Senators Nelson, Lodoen, Satrom)

PUBLIC EMPLOYEE BENEFITS STUDY

A concurrent resolution directing the Committee on Public Employees Retirement Programs of the Legislative Council to evaluate health insurance benefits and other benefits administered by public employee retirement boards, and the investment practices and performances of those boards.

WHEREAS, the Legislative Council's Committee on Public Employees Retirement Programs has statutory jurisdiction to consider measures affecting public employees' retirement programs; and

WHEREAS, in past interims, this committee has reviewed bills affecting health insurance benefits and other employee benefits administered by retirement boards but has waived jurisdiction over most of them; and

WHEREAS, benefits other than retirement benefits comprise a significant portion of public employees' nonsalary compensation and many of these benefits administered by retirement boards are subject to change at the direction of those boards without legislative approval; and

WHEREAS, the investment practices and performance of the retirement boards and their funds are critical in determining the actuarial soundness of each of the funds and the actuarial margins from which benefit enhancements can be made;

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

That the Legislative Council's Retirement Committee study the health insurance benefits and other benefits administered by the various public employee retirement boards, and that it study the investment practices and performance of those boards, and that the Retirement Committee report on its deliberations 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 Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 842

HOUSE CONCURRENT RESOLUTION NO. 3072 (Committee on Judiciary)

STATUTES OF LIMITATIONS STUDY

A concurrent resolution directing the Legislative Council to study the statutes of limitations in this state and the feasibility and desirability of shortening, lengthening, or otherwise modifying existing statutes of limitations.

WHEREAS, there are numerous statutes of limitations that apply to a wide variety of civil actions and criminal proceedings; and

WHEREAS, for various reasons there is increasing pressure to modify statutes of limitations to affect the time within which actions or proceedings may be commenced; and

WHEREAS, modifying statutes of limitations may substantially affect legal rights and claims;

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 of limitations in this state and the feasibility and desirability of shortening, lengthening, or otherwise modifying existing statutes of limitations; 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 Fifty-first Legislative Assembly.

Filed March 25, 1987

CHAPTER 843

HOUSE CONCURRENT RESOLUTION NO. 3073 (Representatives Oban, J. DeMers, Rydell) (Senator Mushik)

DEAF AND HEARING IMPAIRED STUDY

A concurrent resolution directing the Legislative Council to study services to deaf and hearing impaired children and adults, to examine the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services to the deaf, and to determine alternative methods of educating and rehabilitating the deaf in communities throughout the state.

WHEREAS, the state has a vital interest in ensuring that children and adults who are deaf or hearing impaired develop the ability to function as independently as possible; and

WHEREAS, many persons who are deaf or hearing impaired require educational, rehabilitative, and other services or assistance if they are to function independently; and

WHEREAS, it is the responsibility of the state to maintain a free and appropriate system of education in a least restrictive environment for handicapped students including those persons with hearing impairments; and

WHEREAS, Article IX, Section 12, of the Constitution of North Dakota locates the School for the Deaf at the city of Devils Lake; and

WHEREAS, less than two-tenths of one percent of North Dakota's population is currently committed to nonpenal institutions and a trend has been set in North Dakota for the deinstitutionalization of such persons and to provide for their education outside of institutional settings; and

WHEREAS, local cooperative special education programs have become increasingly effective in the education of children with low incidence handicaps; and

WHEREAS, state general fund appropriations for educating students enrolled at the North Dakota School for the Deaf are increasing;

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 existing educational, rehabilitative, and other services to deaf children and adults in the state, examine the role of the North Dakota School for the Deaf in the provision of educational and rehabilitative services to the deaf, and determine alternative methods of educating and rehabilitating the deaf in communities throughout 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 844

HOUSE CONCURRENT RESOLUTION NO. 3074 (Representatives Oban, Rydell) (Senators Heinrich, Mushik)

BLIND AND VISUALLY IMPAIRED STUDY

A concurrent resolution directing the Legislative Council to study services to blind and visually impaired children and adults, to examine the role of the North Dakota School for the Blind in the provision of educational and rehabilitative services to the blind, and to determine alternative methods of educating and rehabilitating the blind in communities throughout the state.

WHEREAS, the state has a vital interest in ensuring that children and adults who are blind or visually impaired develop the ability to function as independently as possible; and

WHEREAS, most persons who are blind or visually impaired require educational, rehabilitative, and other services or assistance if they are to function independently; and

WHEREAS, it is the responsibility of the state to maintain a free and appropriate system of education in a least restrictive environment for handicapped students including those persons with visual impairments; and

WHEREAS, Article IX, Section 13, of the Constitution of North Dakota provides for the location of the School for the Blind at the city of Grand Forks or at such other location as may be determined by the Legislative Assembly; and

WHEREAS, less than two-tenths of one percent of North Dakota's population is currently committed to nonpenal institutions and a trend has been set in North Dakota for the deinstitutionalization of such persons and to provide for their education outside of institutional settings; and

WHEREAS, student enrollments at the North Dakota School for the Blind have been decreasing every year since 1975; and

WHEREAS, local cooperative special education programs have become increasingly effective in the education of children with low incidence handicaps; and

WHEREAS, state general fund appropriations for educating students enrolled at the North Dakota School for the Blind are increasing;

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 existing educational, rehabilitative, and other services to blind children and adults in the state, examine the role of the North Dakota School for the Blind in the provision of educational and rehabilitative services to the blind, and determine alternative methods of educating and rehabilitating the blind in communities throughout 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 Fifty-first Legislative Assembly.

Filed April 2, 1987

CHAPTER 845

HOUSE CONCURRENT RESOLUTION NO. 3076 (Hamerlik, Schneider)

EXCLUSIONARY RULE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting administrative alternatives to the application of the exclusionary rule as it relates to search and seizure provisions of the North Dakota and United States Constitutions.

WHEREAS, the purported objective of the exclusionary rule is to deter improper or aberrant police methods by declaring that evidence obtained by such methods cannot be used against a defendant in a court of law; and

WHEREAS, the present articulation of circumstances under which the exclusionary rule is to be applied is confused and ever-changing and hinders law enforcement personnel in obtaining a knowledgeable understanding of search and seizure methods that are or may be deemed impermissible; and

WHEREAS, as a result of the application of the exclusionary rule, many persons who would otherwise be found guilty of violating the law are left free to further victimize the citizens of this state; and

WHEREAS, an administrative process aimed at the proper education of law enforcement personnel and the effective, prompt disciplining of improper police investigative methods may allow the courts to suspend the application of the exclusionary rule and thus may serve the dual purpose of ensuring proper police methods and allowing true and just results in criminal trials;

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 adopting administrative alternatives to the application of the exclusionary rule; 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 Fifty-first Legislative Assembly.

Filed March 31, 1987

CHAPTER 846

HOUSE CONCURRENT RESOLUTION NO. 3077 (Wentz, Frey, Gorman, J. DeMers)

EMPLOYMENT BENEFITS STUDY

A concurrent resolution directing the Legislative Council to study the differences in employee benefits between part-time and full-time employment in the private sector.

WHEREAS, an increasing portion of available work in the private sector is part-time employment; and

WHEREAS, in many circumstances a part-time employee is paid a relatively low wage and is not given any optional employee benefits and in other cases is not given employee benefits in proportion to the employee's work hours; and

WHEREAS, employment statistics indicate women are disproportionately represented in part-time jobs, as reflected in a recent report of the North Dakota Commissioner of Labor, showing that over 60 percent of part-time jobs are held by women, and that over 40 percent of working women work in part-time jobs while only about 20 percent of working men have part-time jobs; and

WHEREAS, many part-time employees are the heads of their households and must nonetheless struggle to make ends meet in one or more part-time jobs; and

WHEREAS, a worker may hold more than one part-time job and work more hours in a week than the typical full-time worker, yet because none of that worker's jobs is a full-time job, that worker is often denied access to important employee benefits, such as health and accident insurance for the worker and the worker's family, sick leave, paid vacation, holiday pay, and other benefits; and

WHEREAS, many factors not necessarily overtly discriminatory, such as numbers of available workers, ultimate resale value of work product, and other marketplace effects, are important in determining differences in compensation among kinds of jobs;

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 differences in employee benefits between part-time and full-time employment in the private sector and the extent to which employers may be hiring part-time workers to avoid the paying of economic benefits; 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 Fifty-first Legislative Assembly.

Filed March 18, 1987

CHAPTER 847

HOUSE CONCURRENT RESOLUTION NO. 3078 (Wald, Hoffner)

DEINSTITUTIONALIZATION FISCAL ASPECTS STUDY

A concurrent resolution directing the Legislative Council to study fiscal aspects of the office of the court monitor which was created by the federal district court in the case concerning deinstitutionalization of developmentally disabled persons.

WHEREAS, as part of its August 31, 1982, decision in the matter of Association for Retarded Citizens of North Dakota v. Olson, the United States District Court created the position of court monitor; and

WHEREAS, in its implementation order of March 7, 1984, the district court described the duties and responsibilities of the court monitor which include reviewing and reporting to the court on progress towards implementation of the court's order, evaluating staffing requirements necessary to implement the court's orders, and making recommendations to the court; and

WHEREAS, the district court, without precise definition, directed that the state pay all fees and expenses of the monitor, assistants, and appropriate consultants; and

WHEREAS, the Legislative Assembly has appropriated substantial funds each biennium for the payment of fees and expenses billed to the state by the court monitor; and

WHEREAS, since the scope of allowable fees, expenses, and compensable activities is uncertain, the Legislative Assembly should take all necessary and appropriate steps to ensure the propriety and necessity of those fees, expenses, and 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 study the fiscal aspects of the office of the court monitor which was created by the federal district court with emphasis on a thorough review of allowable fees and expenses, fee schedules, activities undertaken by the court

monitor, the general authority of the court monitor, the establishment of a method of accountability, and other measures deemed appropriate to ensure the wise and prudent expenditure of funds appropriated by the Legislative Assembly; 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 Fifty-first Legislative Assembly.

Filed April 2, 1987

CHAPTER 848

HOUSE CONCURRENT RESOLUTION NO. 3079
(Wentz, Kuchera)

ELECTRONIC MEDIA COURSE STUDY

A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable and public television, video cassettes, and video and telephone audiosystems, and the methods available to implement a system of telecommunications.

WHEREAS, the students in the Mayville-Portland School District are able to enroll in German courses offered through a program beamed in by satellite; and

WHEREAS, many school districts are not fiscally able to provide courses in advanced, specialized, foreign language, or art enrichment classes; and

WHEREAS, many of the courses that are not available would be of great benefit to students and would enable some school districts to meet accreditation standards; and

WHEREAS, it is now technically possible to combine satellite or cable technology, telephone lines, and computers to build a system of instruction that is interactive and affordable; and

WHEREAS, the use of electronic media would enable school districts to provide advanced mathematics and science courses, foreign language courses, art enrichment courses, or other specialized courses to students that would otherwise be unavailable to them and that may reduce or stabilize school district operational costs; and

WHEREAS, one of the ways an electronic media program could be implemented is by requiring the Superintendent of Public Instruction and the Commissioner of Higher Education to cooperate in establishing a comprehensive system of telecommunications and electronic media that would make these courses available and accessible to all schools; and

WHEREAS, it may be possible to coordinate with businesses in the development and funding of a system of telecommunications among school districts; and

WHEREAS, the establishment of a system of telecommunications may bring new businesses and new jobs into this 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 the feasibility and desirability of assisting school districts in obtaining access to advanced, specialized, foreign language, art enrichment, or other courses through the use of electronic media, and the methods available to implement a system of telecommunications; and

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

Filed April 2, 1987

CHAPTER 849

HOUSE CONCURRENT RESOLUTION NO. 3080 (Strinden, Kloubec, Mertens, Goetz)

STATE HOSPITAL STUDY

A concurrent resolution directing the Legislative Council to study the present and future role and function of the State Hospital in the provision of services to the mentally ill and the chemically dependent and its relationship to private and public agencies in the community providing similar services.

WHEREAS, the State Hospital serves as the only public institution in North Dakota for the care and treatment of the mentally ill and the chemically dependent;

WHEREAS, the resident population of the State Hospital has decreased in the past two decades as a result of deinstitutionalization efforts;

WHEREAS, approximately sixty percent of all admissions and readmissions to the State Hospital are chemically dependent patients;

WHEREAS, North Dakota has been developing community-based services for the mentally ill and the chemically dependent which may have impacted the resident population of the State Hospital;

WHEREAS, the North Dakota Commission on Mental Health Services has recommended in its final report and recommendations in December 1986 that the State Hospital should be a residential treatment facility for specialized populations of the mentally ill, including the chemically dependent, and serve as one component of the mental health delivery system; and

WHEREAS, no state plan presently exists providing direction for the future role and function of the State Hospital and its place in the state mental health delivery 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 the organization, administration, and services provided at the State Hospital to determine its future role, function, and relationship to private and public community agencies providing services to the mentally ill and chemically dependent, and to examine alternatives to hospitalization of patients at the State Hospital; 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 Fifty-first Legislative Assembly.

Filed April 1, 1987

CHAPTER 850

HOUSE CONCURRENT RESOLUTION NO. 3081
(Representatives Dalrymple, Kingsbury)
(Senator Tallackson)
(Approved by the Committee on Delayed Bills)

OUTSTANDING YOUNG FARMER

A concurrent resolution congratulating Tom Campbell on being named one of the nation's four outstanding young farmers of 1987 by the United States Jaycees.

WHEREAS, the United States Jaycees give awards to the nation's four outstanding young farmers based on criteria including progress in an agricultural career, extent of soil and water conservation practices, and contributions to the well-being of the state, community, and nation; and

WHEREAS, Tom Campbell farms 4,750 acres in wheat, barley, and potatoes near Grafton, North Dakota; and

WHEREAS, he is currently a one-third partner in Tri-Campbell, Inc., a potato brokerage firm, and has added to the value of his product by founding his own potato chip company called Grandma Campbell's Snacks; and

WHEREAS, he is active in the Red River Valley Potato Grower's Association, the Walsh County Farm Bureau, and the Walsh County Fair Board; and

WHEREAS, he was named the Outstanding North Dakota Farmer by the North Dakota Jaycees in October 1986; and

WHEREAS, he was one of four men chosen from a field of 41 state winners and was honored at the annual Outstanding Young Farmer Award Congress in Moline, Illinois, on the occasion of the 150th Anniversary of the John Deere Company; and

WHEREAS, he is the eleventh North Dakotan to receive this award;

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

That the Fiftieth Legislative Assembly of the state of North Dakota extends its sincere and hearty congratulations to Tom Campbell of Grafton, North Dakota, on being named one of the nation's four outstanding young farmers of 1987 by the United States Jaycees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Tom Campbell and to the Grafton Jaycees.

CHAPTER 851

HOUSE CONCURRENT RESOLUTION NO. 3083
(Representatives Hoffner, Kloubec)
(Senator Nething)
(Approved by the Committee on Delayed Bills)

MAIL ORDER SALES TAX IMPOSITION

A concurrent resolution urging the Congress of the United States to enact legislation to allow imposition of state sales and use taxes on mail order sales to purchasers within a state by out-of-state mail order companies.

WHEREAS, in 1967 the Supreme Court of the United States, in its decision in National Bellas Hess v. Illinois Department of Revenue, ruled that states may not require collection of sales taxes or use taxes on mail order sales to residents of the state by certain out-of-state mail order companies; and

WHEREAS, the Supreme Court of the United States has acknowledged that the Congress of the United States has power to overturn its ruling and require firms to collect and remit states' sales and use taxes; and

WHEREAS, out-of-state mail order companies selling products within a state are in direct competition with state retailers; and

WHEREAS, state retailers contribute to the support of local governmental and educational services through payment of state and local taxes while out-of-state retailers contribute nothing to local governmental and educational services but compete in the same market with a considerable competitive advantage provided by the Supreme Court decision exempting them from sales and use taxes; and

WHEREAS, the Advisory Commission on Intergovernmental Relations estimates that in 1985 states lost nearly \$1.5 billion in sales and use tax revenue by being prohibited from enforcing collection of sales and use taxes on certain out-of-state retailers, and it is likely that this revenue loss will continue to grow unless the United States Congress takes remedial action;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to approve legislation to allow imposition of state sales and use taxes on mail order sales to purchasers within a state by out-of-state mail order companies; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the chairmen of the House Committee on Ways and Means and the Senate Committee on Finance, and to each member of the North Dakota Congressional Delegation.

Filed April 2, 1987

CHAPTER 852

HOUSE CONCURRENT RESOLUTION NO. 3084
(Strinden)
(Approved by the Committee on Delayed Bills)

PROSPECTIVE MEDICAID PAYMENT STUDY

A concurrent resolution directing the Legislative Council to study the Department of Human Services' establishment of a prospective Medicaid payment system.

WHEREAS, the Fiftieth Legislative Assembly is considering House Bill No. 1448 requiring the Department of Human Services to establish prospective case mix Medicaid payment rates for long-term care facilities, for rate years beginning on or after January 1, 1990; and

WHEREAS, House Bill No. 1448 prohibits long-term care facilities from charging private pay residents rates which exceed rates approved by the Department of Human Services for medical assistance recipients; and

WHEREAS, the Department of Human Services will be conducting research on the implementation of House Bill No. 1448 and will be developing the rate structure during the 1987-89 interim; and

WHEREAS, the implementation of House Bill No. 1448 to equalize rates, provide preadmission assessment, and develop a case mix system may have a fiscal impact on the state of North Dakota for the 1989-91 and subsequent bienniums; and

WHEREAS, many current laws, rules, and regulations have fiscal impact on the costs of long-term care; and

WHEREAS, statutory changes may be necessary as a result of the research and study conducted relating to House Bill No. 1448;

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 Department of Human Services' development of a prospective case mix reimbursement based on resident needs; and

BE IT FURTHER RESOLVED, that the Department of Human Services and other agencies having an impact on long-term care are urged to provide such assistance and information to the Legislative Council or a designated committee of the Council as it may request in conducting the study; and

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

Filed April 1, 1987

CHAPTER 853

HOUSE CONCURRENT RESOLUTION NO. 3085
(Watne)
(Approved by the Committee on Delayed Bills)

PESTICIDE USE HISTORY STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring a history of pesticides applied to agricultural property to be provided to owners, tenants, and purchasers of the property.

WHEREAS, the use of pesticides and the kinds of pesticides used to control pests and diseases has been increasing over the past several years; and

WHEREAS, the use of some agricultural pesticides adversely affects future crops grown on the property on which the pesticides have been applied; and

WHEREAS, if the user of the pesticide provided notice of the kind of pesticides used to the persons who intend to plant crops on the property in the future, the person planting the crops would be able to make informed decisions as to the type of crop to plant;

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 requiring a history of pesticides applied to agricultural property be provided to landowners, tenants, and purchasers of the property; 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 Fifty-first Legislative Assembly.

Filed April 2, 1987

CHAPTER 854

HOUSE CONCURRENT RESOLUTION NO. 3086
(Representatives G. Berg, Mertens, Nicholas)
(Senators Axtman, Adams)
(Approved by the Committee on Delayed Bills)

SWAMPBUSTER AND SODBUSTER EXEMPTION URGED

A concurrent resolution urging the United States Secretary of Agriculture to adopt regulations that exempt agricultural lands cropped in any year between 1981 and 1985 from the swampbuster and sodbuster provisions of the Food Security Act of 1985 and which exempt any land farmed for three consecutive years from the swampbuster provision of the Food Security Act of 1985.

WHEREAS, congressional intent of the swampbuster provision of the Food Security Act of 1985 was to prevent the draining of excessively wet areas that could not be farmed without being drained; and

WHEREAS, congressional intent of the sodbuster provision of the Food Security Act of 1985 was to prevent highly erodible lands from being brought into production; and

WHEREAS, the swampbuster and sodbuster provisions of the Food Security Act were not intended to prevent a farmer from draining or more efficiently managing land that is currently being farmed, or to put farmers out of business;

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

That the Fiftieth Legislative Assembly urges the United States Secretary of Agriculture to adopt regulations that exempt lands that have been cropped in any year between 1981 and 1985 from the swampbuster and sodbuster provisions of the Food Security Act of 1985; and

BE IT FURTHER RESOLVED, that the Fiftieth Legislative Assembly urges the United States Secretary of Agriculture to adopt regulations that exempt any land farmed for three consecutive years from the swampbuster provision of the Food Security Act of 1985; and

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

Filed April 2, 1987

CHAPTER 855

HOUSE CONCURRENT RESOLUTION NO. 3087
(Representatives Strinden, Mertens)
(Senators Heigaard, Olson)
(Approved by the Committee on Delayed Bills)

BRYNHILD HAUGLAND DAY

A concurrent resolution commending Representative Brynhild Haugland for her service to the Legislative Assembly and to the people of the state of North Dakota, and designating March 18, 1987, as Brynhild Haugland Day.

WHEREAS, Brynhild Haugland was first elected to the North Dakota House of Representatives in 1938 and has served since that time as a state representative, which is the longest service as a state representative of anyone currently serving in that capacity in the United States; and

WHEREAS, Representative Haugland has served as chairman of the House Committee on Human Services and Veterans Affairs during 20 of her 25 legislative sessions of service; and

WHEREAS, her many legislative accomplishments include enabling legislation for multicounty health units, establishment of the North Central Experiment Station, child abuse reporting requirements, authority to parole eligible Industrial School students to foster homes, and enabling legislation for opening San Haven to patients from the Grafton State School; and

WHEREAS, her accomplishments outside the legislative arena include service as a member of the board of directors of the International Peace Garden since 1953, membership on the board of the State University of North Dakota-Minot Alumni Association and College Foundation, charter membership in the Eureka Homemakers Club, and membership in the Quota Club, Minot Business and Professional Women's Club, Delta Kappa Gamma, Farm Bureau, and Farmers Union and membership on the Ward County Zoning Commission and on the Minot Planning Commission; and

WHEREAS, recognition for her accomplishments include Minot State College Alumni Golden Award for Outstanding Service, Sertoma's Service to Mankind Award, the North Dakota Public Health Association's Merit Award for Outstanding Service to Public Health, the State Bar Association's Liberty Bell Award, and the North Dakota Mental Health Association's Distinguished Service Award; and

WHEREAS, her achievements are self-described as "any good thing can be accomplished if you aren't particular about who gets the credit";

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

That the Fiftieth Legislative Assembly commends Representative Brynhild Haugland for her service to the Legislative Assembly and to the people of the state over the years; and

BE IT FURTHER RESOLVED, that March 18, 1987, be designated as Brynhild Haugland Day in recognition of her achievements and her dedication to the public welfare; and

BE IT FURTHER RESOLVED, that the Secretary of State present a copy of this resolution to Representative Haugland.

Filed March 19, 1987

CHAPTER 856

HOUSE CONCURRENT RESOLUTION NO. 3088
(Representatives Haugen, Opedahl, Anderson)
(Senators Yockim, Bakewell)
(Approved by the Committee on Delayed Bills)

GAME AND FISH DEPARTMENT URGED TO CONCILIATE

A concurrent resolution urging the State Game and Fish Department to adopt a more conciliatory posture in dealing with the Lewis and Clark Mutual Aid Association and its members regarding lease from the State Game and Fish Department of certain lands owned by the United States Army Corps of Engineers.

WHEREAS, certain lands acquired in the 1950s by the United States Army Corps of Engineers from members of the present Lewis and Clark Mutual Aid Association were purchased with the express understanding that the former owners would be allowed to continue to operate these former irrigated units; and

WHEREAS, some of these units are an important source of subirrigated hay and fodder supplementing upland grass and hay for northwestern North Dakota; and

WHEREAS, after the sale of the land to the Corps of Engineers the Lewis and Clark Mutual Aid Association leased the land from the Corps of Engineers under a master lease and subleased the land to the former owners; and

WHEREAS, the State Game and Fish Department has leased all Lewis and Clark Mutual Aid Project lands from the United States Army Corps of Engineers and the State Game and Fish Department has adopted certain policies with regard to this land which the former landowners and the Lewis and Clark Mutual Aid Association view as a breach of faith of the original agreements under which the landowners sold the lands in question to the United States Army Corps of Engineers; and

WHEREAS, it appears that the State Game and Fish Department could accommodate the concerns of the former landowners and operators and the Lewis and Clark Mutual Aid Association and could meet the spirit of the original intent of the agreements between landowners and the United States Army Corps of Engineers without undue interference with the goals established by the State Game and Fish Department for use of the land in question; and

WHEREAS, it should be the objective of state agencies to serve the needs and desires of state citizens when the objectives of the state and its citizens can be addressed while at the same time resolving the existing controversy to the satisfaction of those concerned;

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

That the State Game and Fish Department is urged to adopt a more conciliatory posture and to address the concerns of former owners and present operators of said lands and the Lewis and Clark Mutual Aid Association, including adoption of the following policies:

1. That the State Game and Fish Department change its permit system for the lands in question to a lessor and lessee relationship with the leases running continually from year to year;
2. That the State Game and Fish Department make every effort to allow lessees to participate in Agricultural Stabilization and Conservation Service programs to allow the advantages of such programs to be gained by the State Game and Fish Department and the lessees;
3. That the State Game and Fish Department allow reasonable oil development on the lands in question and allow mineral owners and lessees an opportunity to participate in decisions regarding oil development which affect them economically;
4. That the State Game and Fish Department allow lessees on the lands in question to share in surface damages from oil and gas development applying the same guidelines and policies established by the Board of University and School Lands for its lessees;
5. That the State Game and Fish Department recognize that when operations are conducted on the lands in question by two or more persons jointly and one or more of the persons retires or ceases operations the remaining persons are entitled to the option of continuing the operation and that, in instances where this option has not been recognized, efforts should be made to restore the rights of affected parties in line with this policy;
6. That if the State Game and Fish Department uses its income from lands within the area in question, the usage must be approved by legislative appropriation;
7. That the State Game and Fish Department work with the board of directors of the Lewis and Clark Mutual Aid

Association on a continuing basis to establish policies and procedures for the operation of the units that were in the project and to affect the intent of this resolution; and

BE IT FURTHER RESOLVED, that meetings between representatives of the State Game and Fish Department and representatives of the Lewis and Clark Mutual Aid Association be held as soon and as frequently as necessary to accomplish the purposes of this resolution; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the State Game and Fish Commissioner and the Lewis and Clark Mutual Aid Association.

Filed April 6, 1987

CHAPTER 857

HOUSE CONCURRENT RESOLUTION NO. 3090
(Representatives Strinden, Mertens, Kloubec, Peterson)
(Senators Heigaard, Olson)

(Approved by the Committee on Delayed Bills)

BRYNHILD HAUGLAND ROOM

A concurrent resolution designating the Dakota Room as the Brynhild Haugland Room.

WHEREAS, the Legislative Assembly has a tradition of recognizing former or current members for extraordinary public service; and

WHEREAS, Representative Brynhild Haugland was first elected to the North Dakota House of Representatives in 1938 and has the longest continuous service as a state representative of anyone currently serving in that capacity in the United States; and

WHEREAS, among her many legislative accomplishments are establishment of the North Central Experiment Station, authority to parole Industrial School students to foster homes, and child abuse reporting requirements, as well as enabling legislation for multicounty health units and opening San Haven to patients from the Grafton State School; and

WHEREAS, her public service includes being a member of the Ward County Zoning Commission, Minot Planning Commission, Board of Directors of the International Peace Garden, Quota Club, Business and Professional Women's Club, Board of Directors of the State University of North Dakota-Minot Alumni Association and College Foundation, Delta Kappa Gamma, Farm Bureau, Farmers Union, and the National Retired Teachers Association, as well as being a charter member of the Eureka Homemakers Club and the vice president of the International Peace Garden, Inc., and being named an honorary member of the Uniformed Fire Fighters of North Dakota in 1976; and

WHEREAS, recognition for her accomplishments include receiving Minot's Woman of the Year for 1956 and 1971, the Minot State College Alumni Gold Award for Outstanding Service 1968, the North Dakota Outstanding "Woman in Law" in 1973 from the North Dakota Women's Coalition and the North Dakota Commission on the Status of Women, the Milky Way Award in 1977 in recognition of outstanding contributions to the dairy industry of the state, the Distinguished Service Award 1977-1978 from the Western North Dakota

Health Systems Agency, the North Dakota Water Wheel Award in 1981 from the North Dakota Water Users Association and the North Dakota Water Management Districts Association, Sertoma's Service to Mankind Award in 1983, the Merit Award for Outstanding Service to Public Health in 1983 from the Public Health Association of North Dakota, the Liberty Bell Award in 1983 from the State Bar Association, the Distinguished Service Award in 1983 from the Mental Health Association of North Dakota, the Honorary Recognition Award in 1983 from the State Nurses Association of North Dakota, the Minot Association of Homebuilders Award for Outstanding Contributions to the Building Industry in 1984, and induction into the Scandinavian Hall of Fame in 1984; and

WHEREAS, her accomplishments need to be recognized in an appropriate manner so as to inform the citizens of the state of her dedication to public service; and

WHEREAS, public meeting rooms in the State Capitol have been named in recognition of personages having important roles in this state's history;

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

That the Fiftieth Legislative Assembly designates the Dakota Room as the Brynhild Haugland Room in recognition of Representative Haugland's service to the Legislative Assembly and to the people of the state over the years; and

BE IT FURTHER RESOLVED, that the appropriate public officers and employees take the action necessary to rename the Dakota Room the Brynhild Haugland Room, including informing other public agencies, replacing room designation plaques, and taking any other action necessary to ensure designation of and reference to the room as the Brynhild Haugland Room; and

BE IT FURTHER RESOLVED, that the Secretary of State present a copy of this resolution to Representative Haugland and forward a copy of this resolution to the Director of Institutions.

Filed March 19, 1987

CHAPTER 858

HOUSE CONCURRENT RESOLUTION NO. 3091
(Representatives Hamerlik, Cleveland, J. DeMers, Shaft, Strinden,
Kuchera, Graba, Gates, D. Olsen, Shide)
(Senators Stenehjem, Ingstad, Holmberg, Shea, Mutch)
(Approved by the Committee on Delayed Bills)

FIGHTING SIOUX HOCKEY TEAM

A concurrent resolution congratulating the University of North Dakota Fighting Sioux Hockey Team on an outstanding season that culminated in winning the NCAA Division I National Hockey Championship.

WHEREAS, the University of North Dakota Fighting Sioux Hockey Team captured the NCAA Division I Hockey Championship with its victory in Detroit, Michigan, on March 28, 1987; and

WHEREAS, the 1986-87 University of North Dakota Fighting Sioux Hockey Team established numerous national, conference, and team records, including winning an unprecedented 40 games in one season; and

WHEREAS, members of the 1986-87 University of North Dakota Fighting Sioux Hockey Team were honored with awards in the naming of the national college hockey coach of the year, John "Gino" Gasparini; the Hobey Baker Award winner, Tony Hrkac; and four All-American hockey players in Tony Hrkac, Bob Joyce, Ian Kidd, and Ed Belfour; and

WHEREAS, on a team distinguished by individual awards and records this was, most of all, a team that displayed exemplary teamwork and selflessness in pursuit of a common goal that was realized by winning the 1986-87 NCAA Division I Hockey Championship;

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

That the Fiftieth Legislative Assembly takes great pride in extending to all members and coaches of the University of North Dakota Fighting Sioux Hockey Team its heartiest congratulations for winning the 1986-87 NCAA Division I National Hockey Championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux Hockey Team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

Filed April 2, 1987

CHAPTER 859

HOUSE CONCURRENT RESOLUTION NO. 3092

(Representatives Hamerlik, Cleveland, J. DeMers, Shaft, Strinden,
Kuchera, Graba, Gates, D. Olsen, Shide)
(Senators Stenehjem, Ingstad, Holmberg, Shea, Mutch)
(Approved by the Committee on Delayed Bills)

TONY HRKAC CONGRATULATED

A concurrent resolution congratulating Tony Hrkac on winning the 1987 Hobey Baker Award as college hockey's finest player.

WHEREAS, Tony Hrkac has been unanimously named the winner of the 1987 Hobey Baker Award, given annually to collegiate hockey's finest player; and

WHEREAS, Tony Hrkac was singularly deserving of winning the Hobey Baker Award, having completed a season in which he helped the University of North Dakota to a national championship and established a new single season national collegiate hockey individual scoring record of 116 points and was named to the first team All-WCHA Hockey Team, named the WCHA most valuable player, named to the first team All-American Hockey Team, and named most valuable player of the National Hockey Tournament; and

WHEREAS, in addition to his outstanding individual accomplishments during the season, Tony Hrkac displayed outstanding teamwork and leadership throughout the season;

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

That the Fiftieth Legislative Assembly takes great pleasure in extending its sincere congratulations to Tony Hrkac for winning the 1987 Hobey Baker Award as college hockey's finest player; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Tony Hrkac and to the president of the University of North Dakota, home of the Fighting Sioux.

Filed April 2, 1987

CHAPTER 860

HOUSE CONCURRENT RESOLUTION NO. 3093

(Representatives Hamerlik, Cleveland, J. DeMers, Shaft, Strinden,
Kuchera, Graba, Gates, D. Olsen, Shide)

(Senators Stenehjelm, Ingstad, Holmberg, Shea, Mutch)
(Approved by the Committee on Delayed Bills)

JOHN GASPARINI CONGRATULATED

A concurrent resolution congratulating John "Gino" Gasparini on coaching the University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Championship and being named by his peers as Coach of the Year.

WHEREAS, John "Gino" Gasparini was named as Coach of the Year by his peers during the 1986-87 season and capped the season by leading his University of North Dakota Fighting Sioux Hockey Team to the NCAA Division I National Hockey Championship; and

WHEREAS, John "Gino" Gasparini in nine years as head coach of the University of North Dakota Fighting Sioux Hockey Team has coached his team to four WCHA hockey championships and three NCAA Division I championships and has established a hockey program of which all North Dakotans are justifiably proud; and

WHEREAS, John "Gino" Gasparini has established a University of North Dakota Fighting Sioux hockey program that has seen 28 players go on to star in the National Hockey League and several players go into competition with the Canadian or United States Olympic hockey teams and other levels of amateur and professional hockey and has established a program of outstanding competitive excellence;

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

That the Fiftieth Legislative Assembly takes great pride in extending to Coach John "Gino" Gasparini its most sincere congratulations for winning the 1987 NCAA Division I Hockey Championship and for establishing a hockey program of excellence of which all North Dakotans can be justifiably proud; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to Coach John "Gino" Gasparini and to the president of the University of North Dakota, home of the Fighting Sioux.

Filed April 2, 1987

CHAPTER 861

HOUSE CONCURRENT RESOLUTION NO. 3094
(Nowatzki, Mertens)
(Approved by the Committee on Delayed Bills)

CENTRAL NOTICE SYSTEM CHANGES URGED

A concurrent resolution urging the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered effective financing statements for purposes of filing the lien statements in a state's central notice system established under the Food Security Act of 1985.

WHEREAS, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture takes the position that effective financing statements filed in a state's central notice system must contain all the information required under the Food Security Act of 1985, including the signature and Social Security number of the person engaged in farming operations; and

WHEREAS, acceptance of nonconsensual statutory lien statements without the signature and Social Security number of the person engaged in farming operations by the Secretary of State may result in decertification of North Dakota's central notice system by the Packers and Stockyards Administration; and

WHEREAS, the signature and Social Security number of the person engaged in farming operations are often impossible or difficult to obtain by a person entitled to a nonconsensual statutory lien; and

WHEREAS, persons entitled to nonconsensual statutory liens should be afforded the same protection accorded other types of creditors who are able to protect themselves against third-party buyers by filing effective financing statements under a state's central notice system;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation deleting the requirement that nonconsensual statutory lien statements contain the signature and Social Security number of the person engaged in farming operations in order to be considered an effective financing statement for purposes of filing the lien statement in a state's central notice system; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Agriculture of the United States Department of Agriculture, the administrator of the Packers and Stockyards Administration of the United States Department of Agriculture, the chairmen of the United States Senate and House Committees on Agriculture, and to each member of the North Dakota Congressional Delegation.

Filed April 2, 1987

CHAPTER 862

HOUSE CONCURRENT RESOLUTION NO. 3095
(Representatives Martin, Kretschmar, Stofferahn)
(Senators Stromme, Holmberg, Maxson)
(Approved by the Committee on Delayed Bills)

CONSTITUTIONAL REVISION COMMITTEE

A concurrent resolution directing the Legislative Council to establish a constitutional revision committee to study and make recommendations regarding revision of the Constitution of North Dakota.

WHEREAS, the Constitution of the State of North Dakota was adopted nearly 100 years ago in 1889; and

WHEREAS, although the product of the 1972 Constitutional Convention was not approved by the voters in that year, much of the 1972 constitution has since been adopted on a piecemeal basis; and

WHEREAS, since 1977 the Legislative Assembly has had a Joint Constitutional Revision Committee to which all resolutions proposing amendments or repeals to the Constitution of North Dakota are referred; and

WHEREAS, there is insufficient time during legislative sessions to adequately consider the complexities of constitutional revision issues;

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

That the Legislative Council establish an interim constitutional revision committee and that the committee study the Constitution of North Dakota, which study may include proposed revisions considered during the 1987 session or proposed by legislators or other citizens subsequent to the 1987 session; and

BE IT FURTHER RESOLVED, that the interim constitutional revision committee function in the same way as other interim Legislative Council committees; and

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

Filed April 14, 1987

CHAPTER 863

HOUSE CONCURRENT RESOLUTION NO. 3096
(Representatives G. Berg, Kingsbury, Nicholas)
(Senators Thane, Mutch)
(Approved by the Committee on Delayed Bills)

WETLANDS POLICY ECONOMIC IMPACT STUDY

A concurrent resolution directing the Legislative Council to study the economic impact that implementation of a "no net loss of wetlands" policy would have in this state; the effect that implementation of such a policy would have on rivers, lakes, and farmland in this state; the number of resident and migratory waterfowl that rely on wetlands in this state; and the effect that drained and undrained wetlands have on the water table of salt affected soils.

WHEREAS, under the concept of "no net loss of wetlands", any wetland acres drained would have to be replaced by an equal acreage of replacement wetlands; and

WHEREAS, any wetland replaced by a wetland purchased by a governmental entity would remove those replacement acres from the local tax base; and

WHEREAS, implementation of a "no net loss of wetlands" policy may affect flood control and water management in many areas of the state; and

WHEREAS, implementation of such a policy may increase the economic benefits of wetlands through increased hunting and outdoor recreation; and

WHEREAS, the number of migratory and resident waterfowl that rely on and benefit from wetlands in this state should be determined; and

WHEREAS, in some areas with high water tables where wetlands may have been drained, saline water has seeped to the surface of the land and upon evaporation the saline water leaves a salty residue that causes soil sterility in the area of the saline seep;

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 beneficial or adverse economic impact that implementation of a "no net loss of wetland" policy would have on this state, including the impact on landowners, farmers, local businesses, and the hunting industry in this state, and the effect implementation of such a policy would have on rivers, lakes, and farmland in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a determination to the extent practicable of the number of migratory and resident waterfowl relying on wetlands in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a study of the effect that drained and undrained wetlands have on the water table of salt affected soils, the effect on surrounding cropland, and the resulting impact on agricultural 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 Fifty-first Legislative Assembly.

Filed April 16, 1987

CHAPTER 864

HOUSE CONCURRENT RESOLUTION NO. 3098
(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 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 of the regular session of the Fiftieth Legislative Assembly; and

WHEREAS, to complete and close this work, certain legislative employees should be retained;

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 the Senate after the close of the regular session:

HOUSE POSITIONS

Chief Clerk
Assistant Chief Clerk
Desk Reporter
Bill Clerk
Sergeant-at-Arms
Assistant Sergeant-at-Arms
Chief Page and Bill Book Clerk
Chief Steno and Payroll Clerk
Chief Bill and Journal Room Clerk
Bill Room Clerk
Appropriations Committee Clerk
Assistant Appropriations Committee Clerk
Secretary to Speaker
Secretary to Majority Leader
Secretary to Minority Leader

SENATE POSITIONS

Secretary of the Senate

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

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. The Chief Clerk of the House and the Secretary of the Senate shall 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 House Concurrent Resolution No. 3019 for all work required pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fiftieth and Fifty-first Legislative Assemblies, and paid at the completion of the legislative work; providing that payment may not be for more than 200 man-days in the aggregate, and each above-listed employee must be paid on a pro rata basis, should the total number of man-days exceed the allowed limit.

Filed April 16, 1987

CHAPTER 865

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

PROPERTY MANAGER STUDY

A concurrent resolution directing the Legislative Council to study real estate licensure requirements for property managers.

WHEREAS, 1987 House Bill No. 1450 relates to excepting from real estate licensure requirements persons who accept or market leasehold interests in property and who perform acts with reference to that property which are normally performed by licensed real estate brokers or salesmen; and

WHEREAS, 1987 House Bill No. 1403 relates to subjecting to real estate licensure requirements, with limited exceptions, property managers; and

WHEREAS, in a letter dated September 23, 1986, the Attorney General concluded that certain managers of property are not subject to real estate licensure provisions while others are; and

WHEREAS, there is uncertainty regarding whether property managers are or should be subject to real estate licensure requirements and what licensure exceptions if any should be provided;

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 real estate licensure provisions to determine the feasibility and desirability of subjecting property managers to or excepting them from real estate licensure provisions; and

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

Filed April 21, 1987

CHAPTER 866

HOUSE CONCURRENT RESOLUTION NO. 3901
(Representative Martinson)
(Senator Satrom)
(Approved by the Committee on Delayed Bills)

**LEGISLATIVE EXTRAORDINARY SESSION
EMPLOYEES DESIGNATION AND COMPENSATION**

A concurrent resolution providing and designating House and Senate employees during the extraordinary session of the Fiftieth Legislative Assembly and fixing their compensation.

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

That for and during the extraordinary session of the Fiftieth Legislative Assembly which convened on Tuesday, December 2, 1986, the following named persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions as shown below:

HOUSE

Roy Gilbreath, Chief Clerk	\$85.00
Barbara Middaugh, Desk Reporter	79.00
David Hillesland, Sergeant-at-Arms	64.00
Skip Sjothun, Assistant Chief Clerk	70.00
Jeane Marschke, Bill Clerk	64.00
Theola Stetson, Chief Stenographer & Payroll Clerk	64.00
Cindy Nelson, Committee Clerk	58.00
Connie Johnson, Committee Clerk	58.00
Carol Nitschke, Committee Clerk	58.00
Tove Mandigo, Chief Page & Bill Book Clerk	55.00
Skip Elefson, Desk Page	48.00
Mazie Patchen, Secretary to Majority Leader	70.00
Jan Franklund, Secretary to Minority Leader	70.00
Ron Carlisle, Deputy Sergeant-at-Arms	52.00
Phyllis Connolly, Bill Room Clerk	48.00
Linda Mueller, Telephone Attendant	48.00
Kimberly Pollert, Stenographer	52.00
Robert Guler, Page & Bill Book Clerk	48.00

SENATE

Perry Grotberg, Secretary of the Senate	\$85.00
Chris King, Desk Reporter	79.00
Paula Riehl, Desk Reporter Trainee	70.00
Doug Nordby, Sergeant-at-Arms	64.00
Frank LaQua, Assistant Secretary of the Senate & Bill Clerk	70.00
Maureen Mulhauser, Chief Stenographer & Payroll Clerk	64.00
Jackie Giovannoni, Chief Page & Bill Book Clerk	55.00
Stephanie Gullickson, Desk Page	48.00
Sandi Kershaw, Secretary to Majority Leader	70.00
Wanda Scheid, Assistant Secretary to Majority Leader	64.00
Jan Steinle, Secretary to Minority Leader	70.00
Vern Thompson, Deputy Sergeant-at-Arms	52.00
Olger Sandven, Assistant Sergeant-at-Arms	48.00
Renee Bullinger, Chief Telephone Attendant	52.00
Sharon Neukircher, Stenographer	52.00
Diane Larson, Page	48.00
Janice Clancy, Information Desk Attendant	48.00

BE IT FURTHER RESOLVED, that the Employment Committees of the House and Senate are authorized to hire additional employees as may be warranted for the positions, and at the rates, set forth in 1985 Senate Concurrent Resolution No. 4029, as passed; and

BE IT FURTHER RESOLVED, that legislative employees are entitled to recover necessary travel and lodging expenses, at the same rate as for other state employees during the extraordinary session, and for authorized days before and afterwards; and

BE IT FURTHER RESOLVED, that payment is authorized at the rates set forth in 1985 Senate Concurrent Resolution No. 4029, as passed, for services provided by other legislative employees and for janitorial services provided by the staff of the Director of Institutions; and

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

Filed December 8, 1986