

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 870

SENATE CONCURRENT RESOLUTION NO. 4001  
(Legislative Council)  
(Interim Education Finance Committee)

### SCHOOL DISTRICT REVENUES STUDY

A concurrent resolution directing the Legislative Council to study in lieu of property tax payments to school districts; school district revenues derived from oil, gas, and coal taxes; and other payments to school districts other than from the state to determine whether to include these funds as local resources when measuring school district contributions to the foundation program.

WHEREAS, under the property equalization component of the foundation aid formula, a 20-mill equalization factor is multiplied times the net assessed and equalized valuation of real property in each school district and the resulting amount is subtracted from the school district's foundation aid payment; and

WHEREAS, many school districts receive federal educational funds to replace taxes lost because of the presence of federal property, which is not subject to state or local taxation, in the school districts; and

WHEREAS, this gives a double benefit to such school districts because the 20-mill equalization factor is not applied to federal property, thus reducing the amount that is subtracted from the foundation aid payment; and

WHEREAS, school districts with federal property also receive federal impact aid; and

WHEREAS, federal law requires states to have a finance system designed to equalize expenditures among school districts in the state in order to deduct federal impact aid from the amount of state aid a school district receives; and

WHEREAS, some school districts derive revenues from the state impact aid program, the tax on the production of oil and gas, and the tax on coal conversion facilities to compensate such school districts for extraordinary expenditures caused by coal or oil and gas development and the growth incidental to the development; and

WHEREAS, some school districts also receive other money such as federal payments for game and fish land; and

WHEREAS, some states, in an effort to equalize their education finance formulas, deduct in lieu of property tax payments and other revenues from school districts' state aid;

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

That the Legislative Council study in lieu of property tax payments; school district revenues derived from oil, gas, and coal tax; and other payments to school districts other than from the state to determine whether including these funds as local resources when measuring school district contributions to the foundation aid program would result in a more equitable distribution of state aid; 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-second Legislative Assembly.

Filed March 20, 1989

## CHAPTER 871

SENATE CONCURRENT RESOLUTION NO. 4002  
(Legislative Council)  
(Interim Education Finance Committee)

### FOUNDATION AID EQUALIZATION STUDY

A concurrent resolution directing the Legislative Council to study the use of various factors in addition to property wealth which could be used in the education finance formula to equalize educational opportunities for students.

WHEREAS, North Dakota has had a formalized state foundation aid program for elementary and secondary education since 1959; and

WHEREAS, property equalization is one component of the foundation aid formula; and

WHEREAS, under the property equalization component, a 20-mill "equalization factor" is multiplied times the net assessed and equalized valuation of real property in each school district and that amount is subtracted from each school district's state foundation aid payment; and

WHEREAS, the intent of this equalization factor is to make state educational funds available for redistribution to school districts that have relatively low property valuations; and

WHEREAS, the underlying assumption justifying the application of this equalization factor is that a school district with a high property valuation is in a better position to raise locally a portion of its total cost of education than is a district with a low assessed property valuation; and

WHEREAS, the use of the hypothetical 20-mill deduct as the only equalization factor may not equalize state education funding so as to meet the state constitutional guarantee to provide a free and uniform system of public school education; and

WHEREAS, some school districts with relatively low property valuations have high taxable income per capita; and

WHEREAS, other states use factors such as taxable income, assessed valuation of personal property, valuation of public utilities, motor vehicle license receipts, value of farm products, number of employed workers, and sales taxes to measure local ability to support schools; and

WHEREAS, the use of other equalization factors in the foundation aid formula may enhance equalization of educational opportunity for students in North Dakota;

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

That the Legislative Council study the use of various factors, in addition to property wealth, which could be used in the education finance formula to enhance equal educational opportunities for students and to meet the state constitutional guarantee of a free and uniform system of public school 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-second Legislative Assembly.

Filed March 20, 1989

## CHAPTER 872

SENATE CONCURRENT RESOLUTION NO. 4004  
(Legislative Council)  
(Interim Judicial Process Committee)

### GAME AND FISH LAWS STUDY

A concurrent resolution directing the Legislative Council to study the state's game and fish laws and rules.

WHEREAS, the Legislative Council's 1971-72 interim Natural Resources Committee studied the state's game and fish laws for the purpose of revising and rearranging the laws and removing unused and archaic sections; and

WHEREAS, the Legislative Council's 1983-84 interim Judiciary "B" Committee studied the penalty provisions of the state's game and fish laws, with emphasis on the desirability of establishing noncriminal penalties for certain offenses; and

WHEREAS, the Legislative Council's 1987-88 interim Judicial Process Committee studied the state's game and fish laws and rules, with an emphasis on the laws and rules concerning the issuance of game and fish licenses and the role of county auditors in the issuance of game and fish licenses; and

WHEREAS, the scope of the 1987-88 interim study was limited to the role of county auditors in the issuance of game and fish licenses; and

WHEREAS, any legislation enacted by the 1989 Legislative Assembly relating to the bonding of county auditors and agents appointed by county auditors to issue game and fish licenses or stamps should be reviewed to determine the effectiveness of such legislation; and

WHEREAS, the state game and fish commissioner, the deputy state game and fish commissioner, bonded game wardens, county auditors, and agents appointed by county auditors are authorized to issue game and fish licenses; and

WHEREAS, public accessibility to game and fish licenses must be ensured; and

WHEREAS, all of the state's game and fish laws should be the subject of a comprehensive study for the purposes of reviewing the issuance of licenses, feasibility of a central license issuing authority, public accessibility to game and fish licenses, level and use of fees, eligibility for licenses, and any other area of concern;

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

That the Legislative Council study the state's game and fish laws and rules; and

BE IT FURTHER RESOLVED, that in conjunction with this study the Legislative Council review the effect of any legislation enacted by the 1989 Legislative Assembly relating to the bonding of county auditors and agents appointed by county auditors to issue game and fish licenses or stamps; 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-second Legislative Assembly.

Filed March 13, 1989

## CHAPTER 873

SENATE CONCURRENT RESOLUTION NO. 4006  
(Legislative Council)  
(Interim Committee on Public Employees Retirement Programs)

### RETIREE HEALTH INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study issues and the feasibility of various options relating to the provision of adequate and affordable health insurance coverage for retired members of the Teachers' Fund for Retirement and the judges' retirement program, and for other retired state employees and officials not participating in the Public Employees Retirement System or the Highway Patrolmen's Retirement System.

WHEREAS, health care spending by and for the elderly and retired population has risen faster than health care spending for any other population group in the United States, while Medicare, the primary source of health care protection for retired workers aged 65 or over, does not cover retired persons under that age, requires substantial cost sharing, and generally pays less than half of the health care expenses of the elderly; and

WHEREAS, the acceleration of health care costs in the United States during the past two decades has markedly raised health care insurance costs for the elderly and retired population, including retired public employees and officials, and has imposed a considerable financial burden on many elderly or retired persons living on fixed incomes; and

WHEREAS, the Legislative Council's Committee on Public Employees Retirement Programs has recommended a bill to the Legislative Council which would provide a mechanism for prefunding retiree health insurance benefits for retired members of the Public Employees Retirement System and the Highway Patrolmen's Retirement System; and

WHEREAS, various options may be available to provide these retired public employees and officials and their dependents with access to adequate and affordable health insurance coverage;

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

That the Legislative Council study the issues and the feasibility of various options relating to the provision of adequate and affordable health insurance coverage for retired members of the Teachers' Fund for Retirement and the judges' retirement program, and for other retired state employees and officials not participating in the Public Employees Retirement System or the Highway Patrolmen's Retirement System; and

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

Filed February 20, 1989

**CHAPTER 874****SENATE CONCURRENT RESOLUTION NO. 4007  
(Lips)****NAVY URGED TO HONOR GENERAL CATES**

A concurrent resolution urging the Secretary of the Navy to name an appropriate United States naval vessel in honor of General Clifton B. Cates.

WHEREAS, Clifton B. Cates entered the Marine Corps in 1917 and holds the singular distinction of being the most decorated Marine Corps officer of World War I, having been awarded the Navy Cross, Distinguished Service Cross with Oak-leaf Cluster, Silver Star with Oak-leaf Cluster, and Purple Heart for his meritorious military service; and France conferred upon him the Legion of Honor and the Croix de Guerre with one gilt star and two palms; and

WHEREAS, Lieutenant Colonel Cates was chosen as commanding officer, First Marines, in May 1942, and his regiment had the distinction of winning the first major engagement on Guadalcanal, where the regiment vanquished the formidable Ichiki Detachment; and

WHEREAS, on January 1, 1948, Major General Cates was promoted to general and assumed the prestigious post of Commandant of the Marine Corps and as such played an integral role in rescuing the Corps from relegation to obscurity in postwar reorganization of the armed forces; and

WHEREAS, United States Navy policy favors the selection of heroes of the naval service when vessels are named and it would be most fitting to name an appropriate naval vessel in honor of General Clifton B. Cates, a Marine of distinction, courage, and character whose unremitting service to his country spanned three wars and five decades;

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

That the Secretary of the Navy is urged to name a guided missile destroyer, or another appropriate United States naval vessel, in honor of General Clifton B. Cates, 19th Commandant of the United States Marine Corps; and

**BE IT FURTHER RESOLVED,** that a copy of this resolution be forwarded by the Secretary of State to the United States Secretary of the Navy.

Filed February 22, 1989



## CHAPTER 875

SENATE CONCURRENT RESOLUTION NO. 4012  
(Senators Dotzenrod, Tallackson, Tennefos)  
(Representatives Shide, D. Olsen, A. Olson)

### CENTENNIAL YOUTH DAY

A concurrent resolution designating Saturday, May 13, 1989, as "Centennial Youth Day".

WHEREAS, North Dakota's first century saw generations of young people struggle to establish a foundation upon which present and future generations may build; and

WHEREAS, the young people of North Dakota will proudly carry North Dakota's heritage into our second century and, with perseverance and ingenuity, strive to assure that our brightest dreams for North Dakota and its citizens will be realized; and

WHEREAS, the celebration of the North Dakota Centennial presents an occasion for the state to express its pride in the fine young people of North Dakota and to recognize that contributions of young people will continue to be of fundamental importance to our great North Dakota heritage; and

WHEREAS, the Governor has issued a proclamation requesting people of the state to recognize, and express their pride in, the young people of North Dakota on the state's 100th anniversary and encouraging young people to take an active part in assuring that the quality of life in North Dakota will continue to improve in its second 100 years; and

WHEREAS, the General Federation of Women's Clubs of North Dakota, an organization that will celebrate its Centennial in 1989, has planned, in cooperation with the youth of this state, a commemorative statue of two teenage youth entitled "Pioneers of the Future" to be dedicated on the State Capitol grounds on May 13, 1989, to recognize the contributions of youth to the past, present, and future of this state;

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

That May 13, 1989, is designated as "Centennial Youth Day".

Filed February 22, 1989

## CHAPTER 876

SENATE CONCURRENT RESOLUTION NO. 4014  
(Senator Mathern)  
(Representative Rydell)

### ORGAN TRANSPLANT STUDY

A concurrent resolution directing the Legislative Council to carry out a comprehensive study, with additional public and private sector involvement, of the governmental and societal impact of the incidence and cost of organ and tissue transplants, and the appropriate statutory and regulatory policy to address those impacts.

WHEREAS, organ and tissue transplantation is increasingly viewed by the medical community, patients, and others as therapeutic and lifesaving; and

WHEREAS, no recognized treatment alternatives exist for certain end-stage organ and tissue diseases and thus a prospective transplant recipient suffering from one of these diseases will face imminent death; and

WHEREAS, organ and tissue transplantation, unlike most advanced medical technologies, is subject to a dramatic limitation which cannot be addressed by making more fiscal resources available, which is the limitation on the availability of transplantable organs and tissues; and

WHEREAS, in other cases there is a limitation of fiscal resources; and

WHEREAS, the cost of a liver transplant procedure may range as high as two hundred thirty-eight thousand dollars, and the cost of a single heart transplant may reach one hundred ten thousand dollars; and

WHEREAS, current exclusionary fiscal handling of transplantation does not reflect medical recognition of transplantation as appropriate treatment for certain end-stage organ or tissue diseases; and

WHEREAS, several state agencies and other associations are involved in either policy decisions, reimbursement, or both, with respect to organ transplants; and

WHEREAS, the Legislative Assembly ought to review all of the current statutory materials that relate to policymaking and reimbursement activities to ensure that the statutory materials are coordinated, and to satisfy themselves that the activities of the several involved executive branch agencies are coordinated to the greatest extent feasible;

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

That the Legislative Council carry out a comprehensive study of the social, ethical, fiscal, medical, governmental, and other ramifications of

the types and levels of governmental involvement in organ and tissue transplant policy setting and cost reimbursement; and

BE IT FURTHER RESOLVED, that the Legislative Council in carrying out this study consult with representatives from the state department of health and consolidated laboratories, the department of human services, the workers compensation bureau, the commissioner of insurance, the Transplant Association of the Prairie, the North Dakota conference of churches, the medical community, the North Dakota Hospital and Nursing Home Association, and lay representatives; 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-second Legislative Assembly.

Filed March 20, 1989

**CHAPTER 877**

SENATE CONCURRENT RESOLUTION NO. 4016  
(Mathern, Stenehjem)

**SOCIAL SERVICE PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to study the present trends of social service program funding and the equitable distribution of costs for such programs.

WHEREAS, social service programs are tax supported and are funded from a variety of sources; and

WHEREAS, substantial inequity currently exists in the distribution of the cost to support such programs; and

WHEREAS, the percentage of county and state budgets used to support social service programs is significant;

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

That the Legislative Council study the present trend of social service program funding and the equitable distribution of costs for such 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-second Legislative Assembly.

Filed March 13, 1989

## CHAPTER 878

SENATE CONCURRENT RESOLUTION NO. 4018  
(Senators Krauter, Richard, Freborg)  
(Representatives Martin, Mertens, Scherber)

### INDIAN HEALTH CARE FUNDING URGED

A concurrent resolution urging the Congress of the United States to increase appropriations for Indian health care.

WHEREAS, Indian tribes within North Dakota rely exclusively on federal funding for health care services on Indian reservations; and

WHEREAS, federal budget reductions in the area of Indian health care have resulted in inadequate health care facilities and a reduction in the number of health care professionals on Indian reservations; and

WHEREAS, Indians have been forced to seek health care on a contract basis at inpatient and outpatient facilities located off the reservations; and

WHEREAS, the difficulties experienced by the Indian tribes in obtaining accessible health care and the health and general well-being of the Indian people are of great concern to all citizens of North Dakota, both Indians and non-Indians;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to increase appropriations for Indian health care, including mental health and educational services, to assure adequate health care services to Indian tribes and to benefit the nonfederal health care providers in this state through the continued provision of contract services off the Indian reservations; and

BE IT FURTHER RESOLVED, that Indian people be consulted and involved in the process of improving Indian health care services; and

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

Filed March 20, 1989

## CHAPTER 879

SENATE CONCURRENT RESOLUTION NO. 4023  
(Senators Heigaard, Olson)  
(Representatives Kloubec, Schneider)

### UNITED STATES MILITARY ACADEMY DAY

A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

WHEREAS, the United States Military Academy, located at West Point, New York, educates and trains cadets for a lifetime of service as officers of the United States Army; and

WHEREAS, the academic program of the United States Military Academy provides cadets with a broad foundation in the humanities, the social sciences, the natural and engineering sciences, and the military sciences; and

WHEREAS, the West Point Glee Club will be in Bismarck March 3-7, 1989, as part of the North Dakota Centennial celebration; and

WHEREAS, the Legislative Assembly welcomes a performance by the West Point Glee Club on Monday, March 6, 1989, in Memorial Hall of the State Capitol;

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

That Monday, March 6, 1989, is designated as United States Military Academy Day; and

BE IT FURTHER RESOLVED, that the West Point Glee Club is invited to perform in Memorial Hall on Monday, March 6, 1989; and

BE IT FURTHER RESOLVED, that the music director or cadet in charge be invited to address each house of the Legislative Assembly on Monday, March 6, 1989.

Filed January 24, 1989

## CHAPTER 880

SENATE CONCURRENT RESOLUTION NO. 4024  
(Senators Maixner, Olson )  
(Representatives Kloubec, Schneider)

### **BURDENSOME CLEAN AIR ACT LEGISLATION OPPOSED**

A concurrent resolution expressing opposition to federal acid rain legislation or amendments to the Clean Air Act that unnecessarily and unfairly burden consumers and businesses in clean, low-emission states such as North Dakota.

WHEREAS, rural electric cooperatives and utilities operating electrical generating stations in North Dakota use low-sulfur lignite coal; and

WHEREAS, rural electric cooperatives and utilities using North Dakota lignite have been leaders in pollution control efforts having spent \$700 million to install sulfur dioxide scrubbers and other pollution control equipment; and

WHEREAS, consumers of energy produced from North Dakota lignite have paid for or are paying for the cost of these pollution controls; and

WHEREAS, North Dakota has installed scrubbers to remove sulfur dioxide and other pollutants on more than 70 percent of the state's coal-fired electrical generating capacity; and

WHEREAS, scrubbers have been installed on less than 15 percent of the fossil-fueled electrical generating capacity nationally and on less than 10 percent of the fossil-fueled electrical generating capacity east of the Mississippi River; and

WHEREAS, the North Dakota State Department of Health and Consolidated Laboratories has determined that North Dakota is well within national clean air standards and was one of only three states to meet all federal air quality standards in 1985; and

WHEREAS, there is no evidence to suggest that acid rain is a problem in North Dakota; and

WHEREAS, legislation that establishes unreasonable standards to control acid rain has the potential to prohibit economic development in North Dakota and severely limit normal activity of existing businesses and industries; and

WHEREAS, the Gascoyne Mine is particularly vulnerable to reductions in emission standards because it is an export mine;

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

That the Fifty-first Legislative Assembly of North Dakota opposes any legislation or amendment to the Clean Air Act which would unnecessarily and unfairly burden consumers of electricity produced from North Dakota lignite; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly of North Dakota opposes any legislation or amendment to the Clean Air Act that would unnecessarily and unfairly impact existing industry within North Dakota or adversely impact the state's future economic development; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly of North Dakota opposes any legislation or amendment to the Clean Air Act which requires further reduction of emissions from North Dakota or South Dakota generating facilities at least until such time as all other states meet standards at least equal to present emission rates in North Dakota; and

BE IT FURTHER RESOLVED, that copies of the resolution be forwarded by the Secretary of State to the Chairman of the Senate Environment and Public Works Committee and the Chairman of the House Energy and Commerce Committee and to each member of the North Dakota Congressional Delegation.

Filed March 13, 1989



## CHAPTER 881

SENATE CONCURRENT RESOLUTION NO. 4025  
(Senators Holmberg, Heigaard, Mushik)  
(Representatives Kelly, Kretschmar)

### APPORTIONMENT STUDY

A concurrent resolution directing the Legislative Council to study the state of the law with respect to legislative apportionment.

WHEREAS, legislative apportionment is a function of the Legislative Assembly; and

WHEREAS, the results of the 1990 federal decennial census will be available to the Legislative Assembly for apportionment purposes in 1991; and

WHEREAS, substantial study may be required to determine the applicable constitutional requirements for a valid legislative reapportionment plan;

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

That the Legislative Council study the state of the law with respect to legislative apportionment, including federal and state constitutional requirements based on case law, and any state statutory apportionment requirements; 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-second Legislative Assembly.

Filed March 20, 1989

## CHAPTER 882

SENATE CONCURRENT RESOLUTION NO. 4026  
(Senators O'Connell, Dotzenrod, Lodoen)  
(Representatives Lindgren, Carlson, Haugen)

### COUNTY OFFICIAL APPOINTMENT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of appointing county officials who are elected under existing law in counties of relatively small population.

WHEREAS, small counties in North Dakota suffer serious and financially debilitating fiscal burdens that require innovative approaches to streamlining county government; and

WHEREAS, small counties in North Dakota need to find ways to eliminate unnecessary or excess cost of county government where consolidation or other forms of savings may occur; and

WHEREAS, counties with low population bases may not require the services of certain county officials elected and available on a full-time basis;

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

That the Legislative Council study the feasibility of appointing certain officials who are elected under present law in counties with small populations; 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-second Legislative Assembly.

Filed April 17, 1989

## CHAPTER 883

SENATE CONCURRENT RESOLUTION NO. 4027  
(Senator Satrom)  
(Representative Martinson)

### LEGISLATIVE SESSION EMPLOYEE COMPENSATION

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

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

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

SENATE	
Pat Conrad, Secretary of the Senate	\$85.00
Sally Paul, Desk Reporter	79.00
Doug Nordby, Sergeant-at-Arms	64.00
Perry Grotberg, Assistant Secretary of the Senate	70.00
Kathy Horsager, Bill Clerk	64.00
Robertta Nelson, Chief Stenographer and Payroll Clerk	64.00
Mary Schmitz, Chief Committee Clerk	64.00
Carin Noriega, Appropriations Committee Clerk	66.00
Cynthia Jonson, Assistant Appropriations Committee Clerk	62.00
Jean Antelman, Committee Clerk	58.00
Dolores Boutilier, Committee Clerk	58.00
Carol Hieb, Committee Clerk	58.00
Michelle Kalenze, Committee Clerk	58.00
Michelle Larson, Committee Clerk	58.00
Patricia Lemer, Committee Clerk	58.00
Jeannette Shaw-Lynch, Committee Clerk	58.00
Connie Skager, Committee Clerk	58.00
Phyllis Skager, Committee Clerk	58.00
Paulette Wilson, Committee Clerk	58.00
Tami Heid, Assistant Committee Clerk	55.00
Lucy Miller, Chief Page and Bill Book Clerk	55.00
Daniel Fitzgerald, 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
Craig Hagen, Assistant Secretary to Minority Leader	64.00
Loren Paul, Deputy Sergeant-at-Arms	52.00
Kevin Urness, Deputy Sergeant-at-Arms	52.00
Vernon Erickson, Assistant Sergeant-at-Arms	48.00
James Walsh, Assistant Sergeant-at-Arms	48.00
Frank Christensen, Assistant Sergeant-at-Arms	48.00
Amy Zacha, Journal Page	48.00

Mary Defender-Wilson, Information Desk Attendant	48.00
Selma Carlson, Bill Room Clerk	48.00
Patricia Hoffner, Bill Room Clerk	48.00
Reuben Schuh, Bill Room Clerk	48.00
Ledores Robey, Bill Room Clerk	48.00
Nettie Monroe, Journal Room Clerk	48.00
Diane Mittelstedt, Journal Room Clerk	48.00
Jan Sanford, Telephone Attendant	48.00
Mary Vonasek, Telephone Attendant	48.00
Ruby Stadick, Telephone Attendant	48.00
Joan Stein, Telephone Attendant	48.00
Nancy Ludwig, Telephone Page	48.00
Rolland Ketterling, Parking Lot Attendant	48.00
Jane Grant, Stenographer	52.00
Patti Haux, Stenographer	52.00
Sharon Neukircher, Stenographer	52.00
Lois J. Scherr, Stenographer	52.00
Diana Schlosser, Page	48.00
Carol Smith, Page	48.00
Verne Westervall, Page	48.00
Mae DelaBarre, Page	48.00
Ruth Faiman, Page	48.00
Jerol Johnson, Bill Book Clerk	48.00
Jeffrey Spitzer, Bill Book Clerk	48.00
Mike Black, Bill Book Clerk	48.00
Delano Huston, Chief Bill and Journal Room Clerk	58.00
Dick Lang, Janitor (partial pay only)	38.00
Luke Giesinger, Janitor (partial pay only)	51.00
Elizabeth Ternes, Janitor (partial pay only)	24.00

## 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
Cindy Nelson, Appropriations Committee Clerk	66.00
Carol Nitschke, Assistant Appropriations Committee Clerk	62.00
Nancy Thompson, Assistant Appropriations Committee Clerk	62.00
Gloria Halvorson, Chief Assistant Committee Clerk	55.00
Elaine Anderson, Assistant Committee Clerk	55.00
Judy Hoffman, Committee Clerk	58.00
Constance Johnsen, Committee Clerk	58.00
Marion Kolb, Committee Clerk	58.00
Jan Mumma, Committee Clerk	58.00
Sandy Schafer, Committee Clerk	58.00
Marsha Smith, Committee Clerk	58.00
Helen Soma, Committee Clerk	58.00
Janice Stein, Committee Clerk	58.00
Jon Thomson, Committee Clerk	58.00
Joan Von Rueden, Committee Clerk	58.00
Verna Kohls, Assistant Appropriations Committee Clerk	62.00
Tove Mandigo, Chief Page and Bill Book Clerk	55.00
Karla Kramer, Desk Page	48.00
Barbara Larson, Desk Page	48.00
Brian Overton, Desk Page	48.00

Darlyne Clausnitzer, Secretary to Speaker	64.00
Mazie Patchen, Secretary to Majority Leader	70.00
Shannon Peterson, Assistant Secretary to Minority Leader	64.00
Dave Koland, Assistant Secretary to Majority Leader	64.00
Ruth Elbert, Secretary to Minority Leader	70.00
Kim Neumann, Assistant Sergeant-at-Arms	48.00
Ron Carlisle, Deputy Sergeant-at-Arms	52.00
Cliff Nygard, Assistant Sergeant-at-Arms	48.00
Dan Stuart, Assistant Sergeant-at-Arms	48.00
Mark Zimmerman, Assistant Sergeant-at-Arms	48.00
Phyllis Connolly, Assistant Sergeant-at-Arms	48.00
Todd Gierke, Assistant Sergeant-at-Arms	48.00
LeRoy Miller, Assistant Sergeant-at-Arms	48.00
Cindy Kephart, Journal Page	48.00
Margaret Puetz, Information Desk Attendant	48.00
Burnetta Barth, Bill Room Clerk	48.00
Eli Nemer, Bill Room Clerk	48.00
Dan O'Neil, Bill Room Clerk	48.00
MaryAnn Varriano, Bill Room Clerk	48.00
Bernice Asbridge, Journal Room Clerk	48.00
Hella Keller, Journal Room Clerk	48.00
Bonnie Elefson, Chief Telephone Clerk	52.00
Irma Holmstrom, Telephone Clerk	48.00
Donna Ismar, Telephone Clerk	48.00
Lois Borke, Telephone Clerk	48.00
Jane Hammel, Telephone Page	48.00
John Schmidt, Parking Lot Attendant	48.00
Verna Dixon, Stenographer	52.00
Lori Domine, Stenographer	52.00
Sandie Eckert, Stenographer	52.00
Phyllis Johnson, Stenographer	52.00
Barb Klein, Stenographer	52.00
Kay Zingg, Typist	52.00
Sharon Jensen, Typist	52.00
Richard Stenberg, Assistant Chief Page and Bill Book Clerk	52.00
Mark Brannan, Page and Bill Book Clerk	48.00
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Lisa Dirks, Page and Bill Book Clerk	48.00
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Joe Emineth, Janitor (partial pay only)	43.00
Gene Reynolds, Janitor (partial pay only)	51.00
Helen Just, Janitor (partial pay only)	34.00
Francis Scharosch, Janitor (partial pay only)	36.00

BE IT FURTHER RESOLVED, that it is the intent of the Legislative Assembly that if the Fifty-first Legislative Assembly provides a general salary increase for state employees, then the compensation of House and Senate employees who would not otherwise benefit from that increase will receive an additional five dollars per day, retroactive to January 1, 1989; and

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 February 14, 1989

## CHAPTER 884

SENATE CONCURRENT RESOLUTION NO. 4028  
(Maxson)

### SALVAGE POOL STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating salvage pool operations and the activities of insurance companies disposing of vehicles through such operations.

WHEREAS, insurance companies are bringing damaged vehicles into the state in increasing numbers to be sold through salvage pools; and

WHEREAS, many of these vehicles have not been retitled in the company's name nor has the company paid taxes on the vehicle; and

WHEREAS, there is considerable uncertainty regarding the extent and manner of licensing required of salvage pools that receive and accept bids on vehicles provided to the pool by insurance companies for resale; and

WHEREAS, a variety of issues exist regarding the appropriate licensing and regulation of insurance companies that dispose of vehicles through salvage pools in the state;

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

That the Legislative Council study the feasibility and desirability of regulating salvage pool operations and the activities of insurance companies disposing of vehicles through such operations; 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-second Legislative Assembly.

Filed March 20, 1989

**CHAPTER 885**

SENATE CONCURRENT RESOLUTION NO. 4029  
(Krauter)

**ABANDONED WATER WELL PLUGGING MEASURES  
URGED**

A concurrent resolution urging the State Engineer to adopt measures to require the plugging of abandoned water wells.

WHEREAS, 1989 is the centennial year of the state of North Dakota; and

WHEREAS, water is one of North Dakota's most important natural resources, and the protection, development, and management of North Dakota's water resources is essential for the long-term public health, safety, general welfare, and economic security of North Dakota and its citizens; and

WHEREAS, in our centennial year we must ensure that North Dakota's water resources are preserved and protected for future generations of North Dakotans; and

WHEREAS, because abandoned water wells may cause contamination of surface and ground water supplies, the plugging of abandoned water wells is vital in preserving the quality of North Dakota's surface and ground water supplies;

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

That the Fifty-first Legislative Assembly urges the State Engineer to adopt measures to require the plugging of abandoned water wells; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Governor, the commissioners of the Public Service Commission, the members of the Industrial Commission, the State Engineer, and the State Health Officer.

Filed March 13, 1989



## CHAPTER 886

SENATE CONCURRENT RESOLUTION NO. 4030  
(Senators Nalewaja, Mushik, Lips)  
(Representatives J. DeMers, Wentz, Smette)

### CHILD CARE STUDY

A concurrent resolution directing the Legislative Council to study child care issues and needs, including the feasibility and cost of providing child care support to low income working families.

WHEREAS, recent child care forums held throughout the state identified several areas of need, including the need to provide child care support to the many low income working families that cannot afford quality child care to enable those families to remain free of the welfare system, the need for child care programs for the thousands of early elementary children that return from school to empty homes, the need for accessible and affordable child care for infants, developmentally disabled children, children of high school students, and the children of college students, the need for additional resources to provide adequate overview of child care licensing and training, and the need for resources that address startup and renovation costs and other expenses that child care facilities must incur to meet minimum state standards; and

WHEREAS, child care is important for the growth and development of North Dakota children - for their ability to participate in school and to become productive citizens; and

WHEREAS, child care is important for North Dakota families - for their present and future strength and well-being; and

WHEREAS, child care is important for jobs - for economic growth and development and for employers' ability to recruit and maintain a stable, talented work force;

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

That the Legislative Council study child care issues and needs, including the feasibility and cost of providing child care support to low income working families; 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-second Legislative Assembly.

Filed March 29, 1989

## CHAPTER 887

SENATE CONCURRENT RESOLUTION NO. 4033  
(Senators O'Connell, Richard, Tennefos)  
(Representatives Flaagan, Hokana, Martin)

### PROPERTY TAX STUDY

A concurrent resolution directing the Legislative Council to study equalization problems in valuing property for property tax assessment, property tax exemptions and credits, and the method used to calculate county average agricultural land values for ad valorem taxation.

WHEREAS, it is a legislative responsibility to review existing laws to ensure that they address the problems they are intended to rectify; and

WHEREAS, controversy exists concerning equalization in valuing for property tax assessment the classes of property including residential, commercial, and agricultural; and

WHEREAS, controversy also exists concerning the various property tax exemptions and credits;

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

That the Legislative Council study equalization problems in valuing property for property tax assessment, property tax exemptions and credits, and the method used to calculate county average agricultural land values for ad valorem taxation; and

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

Filed April 10, 1989

## CHAPTER 888

SENATE CONCURRENT RESOLUTION NO. 4034  
(Senator Heigaard)  
(Representative Martinson)

### **BUILDING AND MECHANICAL CODE STUDY**

A concurrent resolution directing the Legislative Council to study the administration of building and mechanical code enforcement at the state and local level.

WHEREAS, the purpose of the State Building Code is to protect the health and safety of the people of North Dakota through adequately and safely constructed buildings throughout this state; and

WHEREAS, chapter 54-21.3 of the North Dakota Century Code provides for a minimum state building code; and

WHEREAS, chapter 54-21.3 provides for a decentralized system of building code administration and enforcement involving cities, counties, and townships; and

WHEREAS, no state level building code enforcement responsibility is statutorily assumed or provided for under chapter 54-21.3; and

WHEREAS, many rural areas have little or no access to building inspection services;

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

That the Legislative Council study the administration of building and mechanical code enforcement at the state and local level to identify inadequacies, to determine the appropriate placement of building code responsibilities, and to recommend administrative improvements; 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-second Legislative Assembly.

Filed March 20, 1989

## CHAPTER 889

SENATE CONCURRENT RESOLUTION NO. 4035  
(D. Meyer, Kelsh)

### **BANK OF NORTH DAKOTA STUDY**

A concurrent resolution directing the Legislative Council to study the purposes, powers, management, and operations of the Bank of North Dakota.

WHEREAS, the Bank of North Dakota was established in 1919 for the purpose of encouraging and promoting agriculture, commerce, and industry, charging the industrial commission with the responsibility for the operation, management, and control of the Bank of North Dakota; and

WHEREAS, the powers and duties of the Bank of North Dakota as initially prescribed by statute have been expanded and extended by almost every Legislative Assembly over the past several decades; and

WHEREAS, there may have developed additional economic and financial needs of the state of North Dakota which could be addressed by the Bank of North Dakota but which are not prescribed by statute; and

WHEREAS, the Bank of North Dakota receives deposits of all state funds and deposits from other sources, which funds must be invested, loaned, or otherwise administered by the Bank of North Dakota, allowing its growth to the deposit level of almost one billion dollars; and

WHEREAS, a substantial portion of the Bank's earnings are transferred to the state treasury each biennium and appropriated by the Legislative Assembly for other uses; and

WHEREAS, the performance by the Bank of North Dakota of the duties presently prescribed by statute may require review and comment by the public;

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

That the Legislative Council study the powers, duties, management, and operations of the Bank of North Dakota under present laws, evaluate the performance of the Bank of North Dakota, determine whether additional functions of the Bank could contribute to the economic development and general welfare of the people of this state, and determine whether retention by the Bank of a greater portion of its earnings could provide meaningful sources of funding to carry out its purposes; 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-second Legislative Assembly.

Filed March 13, 1989

## CHAPTER 890

### SENATE CONCURRENT RESOLUTION NO. 4036 (Robinson)

#### **PESTICIDE AND CONTAINER DISPOSAL STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility of establishing an unused pesticide and pesticide container disposal program.

WHEREAS, there is substantial use of pesticides in agricultural production and for protection from insects, rodents, weeds, and other forms of life which may be pests; and

WHEREAS, improper storage and disposal of unused pesticides found on farms and in and around households may pose an environmental hazard; and

WHEREAS, the feasibility and desirability of state action regarding methods of storage and disposal of pesticides should be studied before legislative action is taken;

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

That the Legislative Council study the feasibility of establishing an unused pesticide and pesticide container disposal program; 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-second Legislative Assembly.

Filed March 13, 1989

## CHAPTER 891

SENATE CONCURRENT RESOLUTION NO. 4037  
(Senators Yockim, Waldera, D. Meyer)  
(Representatives Nelson, Haugen, Gerhardt)

### FORTUNA PORT OF ENTRY

A concurrent resolution requesting the United States Congress and the United States Customs Service to assume the responsibility for establishing and operating a twenty-four-hour port of entry at Fortuna, North Dakota.

WHEREAS, U.S. Highway No. 85 is a federal highway and the major north-south thoroughfare between the province of Saskatchewan and the states of North Dakota, South Dakota, Wyoming, Colorado, New Mexico, and Texas; and

WHEREAS, the province of Saskatchewan and the aforementioned states have established a cooperative association to promote the use of U.S. Highway No. 85 and thereby encourage economic development along this route; and

WHEREAS, U.S. Highway No. 85 is a major route for the trucking industry, and a twenty-four-hour port of entry on U.S. Highway No. 85 would increase commercial traffic and economic development in this region; and

WHEREAS, the closest twenty-four-hour port of entry is sixty miles east on U.S. Highway No. 52 or sixty miles west on Montana State Route 16; and

WHEREAS, the Fortuna port serves the major cities on either side of the Canada-United States border within this one hundred twenty mile radius; and

WHEREAS, the Congress of the United States and the Canadian Parliament recently passed the Free Trade Agreement to encourage economic development in both countries;

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

That the Fifty-first Legislative Assembly requests the United States Congress and the United States Customs Service to establish and operate a twenty-four-hour port of entry on the Canadian-United States border at Fortuna, North Dakota; and

BE IT FURTHER RESOLVED, that Congress is urged to fund this project as part of a continued emphasis on economic development between Canada and the United States; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota, South Dakota, Wyoming, Colorado, New Mexico, and Texas Congressional Delegations, the government of the province of Saskatchewan, the United States Customs Service, and the governors of the aforementioned states.

Filed March 20, 1989

## CHAPTER 892

SENATE CONCURRENT RESOLUTION NO. 4038  
(Senator Keller)  
(Representatives O'Shea, L. Hanson, Martin)

### **NORTH DAKOTA SALMON DERBY**

A concurrent resolution designating the Trophy Takers Salmon Club's Blackjaw Fever Salmon Derby as the official North Dakota salmon derby.

WHEREAS, North Dakota's economy benefits increasingly from tourism and recreation-generated dollars; and

WHEREAS, the Trophy Takers Salmon Club actively supports the growth and development of salmon fishing, works toward the improvement of facilities on Lake Sakakawea, and promotes the expansion of trout and salmon fishing on the Missouri River system; and

WHEREAS, the Trophy Takers Salmon Club sponsors the Blackjaw Fever Salmon Derby, which attracts contestants from 14 states and 88 North Dakota communities for nine days of salmon fishing annually beginning on the second Saturday in August; and

WHEREAS, proceeds from the Blackjaw Fever Salmon Derby have benefited federal, state, and local projects including the National Fish Hatchery salmon smolt feeding program and salmon and trout hatching; provided money for Sakakawea State Park marina lighting, ramp improvements, and memorial trees; provided money for University of North Dakota undergraduate scholarships; provided money to the North Dakota Game and Fish Department for summer employees; and provided money for area park board approved projects including ramp lights, restroom facilities, and a fish cleaning facility on Lake Sakakawea in addition to providing fishing equipment to residents of a community nursing home;

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

That the Fifty-first Legislative Assembly designates the Trophy Takers Salmon Club's Blackjaw Fever Salmon Derby as the official North Dakota Salmon Derby; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Governor, the Game and Fish Commissioner, and the director of the Economic Development Commission.

Filed March 27, 1989

## CHAPTER 893

### SENATE CONCURRENT RESOLUTION NO. 4039 (Naaden)

#### **NO-FAULT INSURANCE STUDY**

A concurrent resolution directing the Legislative Council to study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states.

WHEREAS, the unintended result of the operation and effect of North Dakota's no-fault insurance law has been higher motor vehicle insurance rates and greater litigation costs; and

WHEREAS, the experience in other states, such as Michigan, has been that a well-designed no-fault insurance law results, and should result, in lower motor vehicle insurance rates and lower litigation costs; and

WHEREAS, it is in the best interests of the citizens of this state to have a no-fault insurance law that provides lower motor vehicle insurance rates and less incidence of litigation;

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

That the Legislative Council study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states to determine if this state's law should be modified or replaced to ensure lower motor vehicle insurance rates and fewer litigation costs for the citizens of 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-second Legislative Assembly.

Filed March 20, 1989



## CHAPTER 894

SENATE CONCURRENT RESOLUTION NO. 4041  
(Senators Olson, Thane, Mushik)  
(Representatives Kelly, J. DeMers, Haugland)

### **SOCIAL AND HEALTH SERVICE DELIVERY STUDY**

A concurrent resolution directing the Legislative Council to study the delivery of in-home and community-based services and to explore methods by which such services can be made more affordable.

WHEREAS, although most older persons and disabled persons wish to live independently and avoid nursing home placement, they may find this increasingly difficult for a number of reasons, including poor health, loss of loved ones, and lack of affordable community support services; and

WHEREAS, the premature admission to nursing homes of frail elderly or disabled persons is precipitated by the lack of cost-effective and affordable in-home and community support services, tends to further the deterioration of the elderly or disabled person's well-being, increases the level of required care, and increases the cost to the state and the individuals involved; and

WHEREAS, there is a growing tendency on the part of state and county government to contract for services on behalf of elderly and disabled persons resulting in increased layering of administration and increased costs and overhead; and

WHEREAS, North Dakota should be commended for having developed excellent in-home and community-based services; nonetheless, the elderly and the disabled population has become increasingly mindful and concerned over the impact that a sophisticated cost-allocation process designed to maximize federal payments in Medicaid-financed programs is having on the cost of unsubsidized services paid by many elderly and disabled individuals, resulting in making the cost of these excellent services prohibitive to many private consumers; and

WHEREAS, many elderly and disabled persons prefer to purchase in-home and community-based services on a direct cost basis without bearing the overhead of government and third-party providers in the delivery of those services; and

WHEREAS, in addition to the costs of in-home and community-based services, to determine the need for and proper utilization of appropriate services, may cost the private-pay consumer up to six hundred fifty dollars annually; and

WHEREAS, many excellent public services, including social services and health services are made available to the public, without a means test and without charging the taxpaying recipients for the indirect cost of governmental delivery of those services; and

WHEREAS, the failure of the state to put in place an affordable, cost-effective, in-home and community-based service system will seriously impact the viability of these services as an alternative to costly and perhaps unnecessary nursing home care; and

WHEREAS, the lack of affordable in-home and community-based services will increase the demand for, and utilization of, long-term institutional care, thereby prematurely and unnecessarily exhausting the private resources of the elderly and disabled and in turn impacting negatively on the state budget for Medicaid-purchased nursing home services;

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

That the Legislative Council study the current method used to reimburse in-home and community-based services, the effectiveness of the current delivery system, having government bear the indirect costs of in-home and community-based services rather than passing such costs on to the taxpaying consumer, and the feasibility of greater utilization of elderly and disabled recipients and their relatives in managing and supervising their services thereby minimizing agency administrative costs; 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-second Legislative Assembly.

Filed April 4, 1989

## CHAPTER 895

SENATE CONCURRENT RESOLUTION NO. 4042  
(Senators Malewaja, Nelson, Krauter)  
(Representative Martin)

### **WORKERS' COMPENSATION STUDY**

A concurrent resolution directing the Legislative Council to study the structure, organization, and administration of the Workers Compensation Bureau and the qualifications of the Workers Compensation Bureau claims analysts and rehabilitation staff.

WHEREAS, the North Dakota workers' compensation law is designed to provide sure and certain relief to employees injured in the course of their employment; and

WHEREAS, the dramatic increase in the costs of the Workers Compensation Bureau and in the complexity of litigation involving the bureau in the last 10 years as well as the depleted nature of the workers' compensation fund may jeopardize the ability of the bureau to economically provide compensation to injured employees; and

WHEREAS, premium income has been significantly less than fund expenditures in recent years, fund equity has been greatly reduced, and there is concern about the solvency of the workers' compensation fund; and

WHEREAS, workers' compensation claims have been decided inconsistently and employees have received various modes of treatment from health care providers; and

WHEREAS, claims analysts and rehabilitation staff should be qualified and adequately trained; and

WHEREAS, to decrease work-related injuries, employees and employers should be educated concerning the services provided by the bureau; and

WHEREAS, a number of alternate plans to reorganize or restructure the bureau have been proposed; and

WHEREAS, insufficient data is available to make reasoned and informed decisions concerning major changes in the structure and organization of the bureau, claims adjudication, benefits, premiums, and other matters that may affect the solvency of the fund;

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

That the Legislative Council study the structure, organization, and administration of the Workers Compensation Bureau and the qualification of Workers Compensation Bureau claims analysts and rehabilitation staff; 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-second Legislative Assembly.

## CHAPTER 896

SENATE CONCURRENT RESOLUTION NO. 4044

(Senators Redlin, Krebsbach, Maxson, Schoenwald)  
(Representatives Aas, Timm, B. Anderson, Haugland, Tollefson,  
Frey, Wentz)

(Approved by the Committee on Delayed Bills)

### JOB CORPS CENTER IN MINOT URGED

A concurrent resolution urging the Secretary of Labor to select North Dakota as one of the sites to open a Job Corps Center and to enter an agreement to open the center in Minot.

WHEREAS, Congress appropriated \$48 million in 1988-89 appropriations bills to undertake an effort of the Department of Labor to open six new Job Corps Centers; and

WHEREAS, the Senate Appropriations Committee specified criteria for the Department of Labor to consider in selecting sites for new Job Corps Centers including priority consideration to states currently without a Job Corps Center; preference to states where existing government facilities can be used at a nominal cost; preference to states that have demonstrated a commitment to linking a center with other federal, state, and local employment, training, and education programs; consideration to states that have shown a commitment to utilizing the Job Corps program in conjunction with other training programs to meet the needs of individuals with other barriers to employment; and priority consideration to enhancing Job Corps services for persons with disabilities; and

WHEREAS, North Dakota meets the criteria established by the Senate Appropriations Committee in all respects and is one of only six states without a Job Corps Center; and

WHEREAS, Congress has enacted Public Law 100-322, Section 423, allowing the Secretary of Labor to enter an agreement for use of a former hospital in Minot, North Dakota, as the site for a Job Corps Center; and

WHEREAS, the Minot area stands ready to welcome a new Job Corps Center;

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

That the Fifty-first Legislative Assembly urges the Secretary of Labor to take necessary steps to open a Job Corps Center on the site of the former Veterans Administration Hospital in Minot, North Dakota; and

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

Filed March 13, 1989

## CHAPTER 897

SENATE CONCURRENT RESOLUTION NO. 4045

(Moore)

(Approved by the Committee on Delayed Bills)

### LEGISLATORS' INCOME TAX CHANGES URGED

A concurrent resolution urging Congress to reverse its action whereby the Department of the Treasury was directed to issue regulations to restrict income tax deductibility of expenses of members of state legislatures.

WHEREAS, service in state legislatures, especially in states as North Dakota where legislators are part-time elected officials, is often undertaken by legislators at a personal financial sacrifice; and

WHEREAS, state legislators' "tax home" provisions of Internal Revenue Code Section 162 (h) were made substantially less advantageous and infinitely more complicated by the conference committee report on the Tax Reform Act of 1986, which directed the Department of the Treasury to issue regulations coordinating employee business expenses and travel expenses of state legislators (99th Congress, Second Session House of Representatives' Report 99-841); and

WHEREAS, the minor revenue effect of the treasury regulations is more than outweighed by the burden on state legislators and the resulting disincentive to service in state legislatures;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to reverse its action whereby the Department of the Treasury was directed to issue regulations coordinating treatment of employee business expenses and travel expenses of state legislators and to return the Internal Revenue Code Section 162 (h) deduction to its status before 1987; and

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

Filed March 13, 1989

## CHAPTER 898

SENATE CONCURRENT RESOLUTION NO. 4047  
(Senators Mushik, Mathern, Thane)  
(Representatives Kelly, J. DeMers, Ulmer)

### HUMAN SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the state's system of delivering various human services in light of recently enacted federal welfare reform legislation to determine the most efficient, effective, and responsible method of delivering public assistance to low income families and individuals, and to study the financial and other impacts on the state of implementing recently enacted federal Medicare catastrophic coverage legislation.

WHEREAS, recently enacted federal welfare reform legislation, known as the Family Support Act of 1988, is designed to restructure the basic program of public assistance for families in ways that emphasize parental responsibility through the enforcement of child support and expanded opportunities in education and training; and

WHEREAS, the Family Support Act of 1988 places additional requirements upon states to operate a Job Opportunities Basic Skills (JOBS) program for welfare recipients with children over age three, to guarantee child care to allow families to take part in the JOBS program and to ease the transition from welfare to work, to provide cash assistance and Medicaid coverage to two-parent families, and to strengthen child support enforcement through immediate wage withholding and other measures; and

WHEREAS, the state is developing a plan to implement changes in the system of delivering public assistance to North Dakota families and individuals; and

WHEREAS, the effective delivery of public assistance is an integral part of the well-being of significant numbers of North Dakota families and individuals; and

WHEREAS, the recently enacted federal Medicare Catastrophic Coverage Act of 1988, which is designed to provide catastrophic medical coverage for the elderly, the poor, and disabled, also places additional requirements upon states, including that states, under their Medicaid plans, pay Medicare premiums for certain low income persons, provide Medicaid coverage for pregnant women and infants, and provide protection for some assets of persons whose spouses are in nursing homes and covered by Medicaid; and

WHEREAS, the Medicare Catastrophic Coverage Act of 1988 significantly changes the benefit structure of the Medicare program and alters the program's financing in a manner that may place substantial cost burdens on states;

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

That the Legislative Council study the state's system of delivering various human services in light of the federal Family Support Act of 1988 for the purpose of determining the most efficient, effective, and responsible method of integrating or coordinating educational, job training, economic development, employment, financial assistance, housing, and health care programs to low income North Dakota families and individuals, and study the financial and other impacts on the state of implementing the federal Medicare Catastrophic Coverage Act of 1988; and

BE IT FURTHER RESOLVED, that the interim committee assigned this study by the Legislative Council is encouraged to share its findings and recommendations with the Budget Section of 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-second Legislative Assembly.

Filed April 4, 1989

## CHAPTER 899

SENATE CONCURRENT RESOLUTION NO. 4048  
(Senators Richard, Hanson, Heigaard)  
(Representatives B. Anderson, Carlson, Nowatzki)  
(Approved by the Committee on Delayed Bills)

### DAYS OF PEACE AND FRIENDSHIP

A concurrent resolution designating July 2 and July 3 of each year, the period between Canada Day and United States Independence Day, as Minnesota-Manitoba-North Dakota-Saskatchewan Days of Peace and Friendship.

WHEREAS, the Congress of the United States and the Parliament of Canada have proclaimed July 2 and July 3 as the United States-Canada Days of Peace and Friendship; and

WHEREAS, that proclamation encourages people of the United States and Canada, their federal, state, provincial, and municipal governments, and their economic, educational, and cultural leaders and organizations to expand on all manners of United States-Canadian relationships, and to initiate new relationships; and

WHEREAS, the people of Minnesota, Manitoba, North Dakota, and Saskatchewan are good neighbors, enjoy a common heritage, have common goals and aspirations, and share a common destiny; and

WHEREAS, Minnesota, Manitoba, North Dakota, and Saskatchewan feature an unparalleled quality of life, a lifestyle which promotes health and fitness and the nurturing of children and families; and

WHEREAS, the people of Minnesota, Manitoba, North Dakota, and Saskatchewan share and exchange cultural events and athletic competition, as well as social relationships and commerce; and

WHEREAS, the people of Minnesota, Manitoba, North Dakota and Saskatchewan share many common border issues, and deal admirably with those issues through cooperation and friendship; and

WHEREAS, the leaders of Minnesota, Manitoba, North Dakota, and Saskatchewan will join in celebration at the border on July 2 and July 3 in association with United States-Canada Days of Peace and Friendship ceremonies; and

WHEREAS, high school and college students of Minnesota, Manitoba, North Dakota, and Saskatchewan will soon be studying together their two nations' systems of law, democracy, and government; and

WHEREAS, for the future of the United States and Canada, for our contributing to the most promising international image of cooperative



democracy in the world, and for our commitment to the heritage of our regional and continental geography and history and way of life;

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

That July 2 and July 3 are designated as Minnesota-Manitoba-North Dakota-Saskatchewan Days of Peace and Friendship and that the Governor is urged to issue a proclamation requesting people of the state to recognize July 2 and July 3 as a time for observing symbols of strong relationships, initiating programs, and cooperation and exchanges among cities, political leaders, economic and environmental organizations, schools, and cultural groups of all kinds to make our four state-province region an outstanding example of friendship, peace, progress, and achievement; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Governor of Minnesota, the Premier of Manitoba, the Governor of North Dakota, and the Premier of Saskatchewan.

Filed March 28, 1989

## CHAPTER 900

### SENATE CONCURRENT RESOLUTION NO. 4049 (Thane)

#### **LOCAL GOVERNMENT MANDATES STUDY**

A concurrent resolution directing the Legislative Council to study mandates causing increased local government expenditures or decreased local government revenues.

WHEREAS, political subdivisions are faced with the problems of increased demands for public services and declining revenues; and

WHEREAS, state government has wide latitude in determining and implementing statewide policies and programs, and in implementing policies and programs legislative mandates often cause fiscal impacts to political subdivisions in the form of increased costs or decreased revenues; and

WHEREAS, these mandated responsibilities are often unfunded or inadequately funded by state government; and

WHEREAS, funding for these mandates must be borne by an often overburdened local property tax base;

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

That the Legislative Council study the issue of mandates on local government and recommend a process whereby the costs of state-imposed mandates are identified and funded by the state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in the membership of the interim committee studying this issue one citizen member appointed by the North Dakota League of Cities and one citizen member appointed by the North Dakota Association of Counties; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 901

SENATE CONCURRENT RESOLUTION NO. 405J  
(Stenehjem, J. Meyer)

### **LAW ENFORCEMENT TRAINING FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study methods for funding law enforcement training facilities and programs.

WHEREAS, adequate training facilities and programs are essential to ensuring the competence and professionalism of law enforcement officials; and

WHEREAS, current training facilities lack sufficient housing, office space, and areas for emergency vehicle and physical training and this often requires the search for and use of substitute facilities the availability of which cannot be depended upon; and

WHEREAS, the future needs for training law enforcement and correctional officers in this state will require increased funding and the methods for providing adequate funding are uncertain;

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

That the Legislative Council study methods for funding law enforcement training facilities and 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 902

SENATE CONCURRENT RESOLUTION NO. 4051  
(Senators Nalewaja, Olson, Wogsland)  
(Representatives Bernstein, Hoffner, Goetz)  
(Approved by Committee on Delayed Bills)

### HIGHER EDUCATION AWARENESS DAY

A concurrent resolution declaring Wednesday, February 15, 1989, as Higher Education Awareness Day.

WHEREAS, the state of North Dakota has a tradition of supporting its institutions of higher education and of recognizing the students who attend those institutions; and

WHEREAS, students attending at least one of the institutions of higher education are visiting the Legislative Assembly to express their concerns about the future of higher education in this state; and

WHEREAS, the Legislative Assembly acknowledges the need to preserve the quality of higher education the state has enjoyed in the past; and

WHEREAS, the Legislative Assembly acknowledges the students at the institutions of higher education who would like to express their appreciation to the members of the Legislative Assembly for their hard work and the attention they have given to the status of higher education in this state;

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

That the Fifty-first Legislative Assembly declares Wednesday, February 15, 1989, as North Dakota Higher Education Awareness Day.

Filed February 16, 1989

## CHAPTER 903

SENATE CONCURRENT RESOLUTION NO. 4052  
(Keller, Freborg)

### **AUTOMOBILE LIABILITY INSURANCE STUDY**

A concurrent resolution directing the Legislative Council to study methods of ensuring that all operators of motor vehicles maintain automobile liability insurance.

WHEREAS, while all operators of motor vehicles in this state are required to have automobile liability insurance, many do not and thus inflict financial, social, and personal cost upon others when involved in automobile accidents; and

WHEREAS, the structure and methods of enforcement of the laws requiring liability insurance may be inadequate to ensure that all motor vehicle operators obtain and maintain liability insurance; and

WHEREAS, the laws of other jurisdictions should be reviewed to determine if there is a more effective method of ensuring that all motor vehicle operators maintain liability insurance;

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

That the Legislative Council study methods of ensuring that all operators of motor vehicles maintain automobile liability insurance; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 904

### SENATE CONCURRENT RESOLUTION NO. 4053 (Heigaard, Stromme, Tennesfos)

## GRADUATE RESIDENCY INCENTIVES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing incentives to North Dakota graduates to remain in this state after graduation and of increasing tuition at the institutions of higher education and providing low interest loans to students to cover the cost of increased tuition.

WHEREAS, during the 1989 legislative session, the Legislative Assembly considered bills providing incentives to students to stay in North Dakota after graduation by forgiving or repaying a portion of student loans made for tuition or by forgiving or repaying a portion of the interest on student loans; and

WHEREAS, another bill considered by the Legislative Assembly would have increased tuition at the state institutions of higher education and required the Bank of North Dakota to make low interest loans available to students to pay for the increased cost of tuition; and

WHEREAS, the purpose of providing incentives to students is to encourage young, talented North Dakotans to remain in the state after graduation; and

WHEREAS, critics of such incentive proposals, however, argue that graduates leave the state because they cannot find jobs here; and

WHEREAS, if the state forgave or repaid loans or interest on behalf of students, it could be costly to the state and any forgiveness of loans to a student may be considered income to the student; and

WHEREAS, increasing tuition at the state colleges may provide additional money to meet the needs of higher education; and

WHEREAS, tuition has doubled at the North Dakota state institutions of higher education in the last decade and additional increases could prevent students from attending colleges and universities in this state;

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

That the Legislative Council study the feasibility and desirability of providing incentives to graduates to remain in North Dakota and of increasing tuition at the state institutions of higher education and providing low interest loans to students to cover the cost of increased tuition; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 905

### SENATE CONCURRENT RESOLUTION NO. 4054 (Tennefos)

#### **PESTICIDES NEAR APIARIES STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating the use of pesticides near apiaries.

WHEREAS, with 298,000 colonies of bees producing 30 million pounds of honey worth \$20 million annually, this state is a leader in honey production in the United States; and

WHEREAS, approximately 400 beekeepers do business in this state and the industry furnishes excellent honey and provides essential pollination to this state's agricultural crops; and

WHEREAS, honeybees killed when a crop is treated with pesticides result in a loss by the beekeeper and the farmer; and

WHEREAS, the interests of beekeepers to be protected against harm caused by pesticides needs to be balanced against the interests of pesticide applicators; and

WHEREAS, at least three bills relating to the use of pesticides near apiaries were introduced in the 1989 Legislative Assembly;

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

That the Legislative Council study the feasibility and desirability of regulating the use of pesticides near apiaries, including whether notice to beekeepers should be provided before use of pesticides harmful to bees and whether pesticide applicator licenses or certifications should be suspended or revoked for violations of beekeeper notice requirements; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 906

SENATE CONCURRENT RESOLUTION NO. 4055  
(Senators Nalewaja, Mathern)  
(Representatives J. DeMers, Bernstein)

### MEDICAL AND HEALTH ISSUES STUDY

A concurrent resolution directing the Legislative Council to study the ethical, social, economic, and legal implications of various medical, bioethical, and health issues.

WHEREAS, dramatic achievements in medicine, particularly developments and advancements in the life sciences, and other circumstances have sparked a growing public awareness and interest in a number of medical, bioethical, and health issues, including the recognition of means for establishing that human death has occurred, decisions about life-sustaining treatment of patients who are dying or permanently unconscious, screening and counseling for genetic conditions and genetic experimentation, reproductive technologies, human organ transplantation, fetal research and experimentation, society's obligations to physically, developmentally, and mentally impaired individuals, equitable rural health care, problems associated with the aging population including the protection of the vulnerable elderly, and other complex and sometimes very emotional issues; and

WHEREAS, these increasingly difficult issues have been added to the traditional matters of personal conscience for physicians and other health care professionals and are faced by courts, legislators, sponsors and regulators of research, patients and their families, and others as biomedical and behavioral scientists and practitioners explore new ways to conquer illness, to sustain organ functions artificially, and to probe and even manipulate the genetic basis of life itself; and

WHEREAS, the North Dakota Legislative Assembly has struggled with many of these difficult issues in the past; and

WHEREAS, a comprehensive study may help to clarify the issues and highlight the facts that are most relevant for informed decisionmaking as well as provide a forum from which suggested improvements in public policy relating to these issues may be offered;

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

That the Legislative Council study the ethical, social, economic, and legal implications of various medical, bioethical, and health issues, including the advisability of developing a means for establishing that human death has occurred, public policies associated with decisions about life-sustaining treatment of patients who are dying or permanently unconscious, issues relating to reproductive technologies and organ transplantation, issues relating to society's obligations to physically, developmentally, and mentally impaired individuals, equitable rural health care, problems associated with the aging population, and other medical, bioethical, and health issues; 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-second Legislative Assembly.



## CHAPTER 907

### SENATE CONCURRENT RESOLUTION NO. 4056 (Ingstad)

#### **WILDLIFE RESOURCES ENHANCEMENT STUDY**

A concurrent resolution directing the Legislative Council to study the state's bountiful natural resources and outdoor recreation activities with an emphasis on the state's wildlife resources and enhancement of these resources for the benefit of North Dakota citizens and economic development.

WHEREAS, the Legislative Assembly recognizes that North Dakota's bountiful natural resources and outdoor recreation opportunities act as an attraction to nonresidents who enter the state for the purposes of hunting, fishing, camping, and nature appreciation; and

WHEREAS, the Legislative Assembly recognizes that significant amounts of revenue are generated in North Dakota directly as a result of existing natural resources in the state; and

WHEREAS, the Legislative Assembly recognizes the need for management and enhancement of natural resources to assure continued enjoyment by both citizens of North Dakota and visitors to the state; and

WHEREAS, the economic well-being of the state depends upon attracting nonresidents to the state, promoting tourism, keeping the natural resources in a condition that attracts residents to stay in the state, and enhancing economic development within the state; and

WHEREAS, these resources could perhaps be more fully utilized for the purpose of hunting, fishing, camping, and nature appreciation and to promote economic development within the state if adequately managed and enhanced by the state;

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

That the Legislative Council study the state's bountiful natural resources and outdoor recreation opportunities with an emphasis on the state's wildlife resources and enhancement of these resources for the benefit of North Dakota citizens and economic development; and

BE IT FURTHER RESOLVED, that the Legislative Council seek the assistance and advice of the Attorney General, the State Game and Fish Commissioner, the director of the Economic Development Commission, federal land management agencies, and the director of the Tourism Division, in conducting this study; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 908

### SENATE CONCURRENT RESOLUTION NO. 4057 (Langley)

## INSURANCE POLICY RATING STUDY

A concurrent resolution directing the Legislative Council to study the appropriateness of allowing the use of advisory insurance rates to be filed for insurance companies by licensed rating organizations.

WHEREAS, competition in the insurance industry is vital and held to be in the public interest; and

WHEREAS, licensed rating organizations currently collect insurance loss claims information, loss experience, expense information, and other data on behalf of participating insurance companies; and

WHEREAS, current state law permits licensed rating organizations to file advisory rates on behalf of participating insurance companies; and

WHEREAS, eighteen state attorneys general have recently joined together to sue several major insurers, reinsurers, and the Insurance Service Office, which is the largest rating organization in the United States, as defendants for allegedly engaging in illegal conduct violating antitrust laws; and

WHEREAS, current state law may encourage the inappropriate artificial fixing of insurance rates in a noncompetitive fashion;

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

That the Legislative Council study the methods for rating insurance policies used in this state and, specifically, the appropriateness of allowing the use of advisory rates to be filed for insurance companies by licensed rating organizations; and

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

Filed March 28, 1989

## CHAPTER 909

SENATE CONCURRENT RESOLUTION NO. 405E:  
(Lashkowitz, Mushik, Mathern)

### **SOLID WASTE MANAGEMENT STUDY**

A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management.

WHEREAS, inefficient and improper methods of managing solid waste create serious hazards to the public health, cause pollution of air and water resources, result in scenic blights, adversely affect land values, create public nuisances, and otherwise interfere with community life and development; and

WHEREAS, it is in the public interest to encourage and promote the proper disposal of municipal and industrial waste in a manner to prevent the pollution of surface and groundwater resources and other segments of the environment; and

WHEREAS, North Dakota Century Code Chapter 23-29 and rules adopted pursuant to this chapter relate to the transportation, storage, handling, and disposal of nonhazardous solid waste; and

WHEREAS, the increasingly stringent regulatory criteria for protecting the public health and environment, the expanding liability of government and industry for past and present management of solid waste, and the escalating costs of waste management profoundly affect government and industry; and

WHEREAS, recycling may ameliorate problems associated with solid waste management and lead to better utilization of scarce nonrenewable resources; and

WHEREAS, leaking underground storage tanks have been shown to adversely impact groundwater resources and the environment in general;

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

That the Legislative Council study the problems associated with solid waste management, including integrated waste management, use and availability of landfills; recycling methods and projects; incineration of solid waste; involvement of government in solid waste management; feasibility of pilot projects designed to promote the recycling of solid waste; and laws and rules concerning the use of underground storage tanks; 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 910

SENATE CONCURRENT RESOLUTION NO. 4059  
(Senators Stromme, Langley)  
(Representatives Kingsbury, Nicholas, Wilkie)

### MISSOURI RIVER WATER TRANSFER STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of moving Missouri River water to the James, Sheyenne, Souris, and Red Rivers.

WHEREAS, low water conditions as a result of drought in the James, Sheyenne, Souris, and Red River basins may result in water quantity and quality problems in these river basins; and

WHEREAS, residents in these river basins need a reliable and stable source of water to safeguard their health and welfare as well as to promote economic development; and

WHEREAS, the Missouri River would be a good source of water to stabilize, freshen, and improve the water quality of the James, Sheyenne, Souris, and Red Rivers and would ensure a stable water supply to cities located along these rivers;

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

That the Legislative Council study the feasibility of moving Missouri River water to the James, Sheyenne, Souris, and Red Rivers; and

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

Filed April 10, 1989

## CHAPTER 911

SENATE CONCURRENT RESOLUTION NO. 4060  
(Senators Dotzenrod, Redlin)  
(Representatives Flaagan, Aas)

### STATE-OWNED REAL PROPERTY STUDY

A concurrent resolution directing the Legislative Council to study the methods in which the state acquires and holds real property, the effect of such acquisition on local tax bases, the feasibility of simplifying laws for acquisition and holding of real property by the state, and the feasibility of requiring divestiture of certain real property owned by the state.

WHEREAS, the state acquires real property in various ways through operation of its laws, agencies, and institutions; and

WHEREAS, property owned by the state is removed from the property tax base of local governments; and

WHEREAS, laws providing for acquisition or ownership of real property by the state are often complex and confusing, especially in regard to property obtained by the Bank of North Dakota in its various capacities; and

WHEREAS, it may be desirable to require divestiture of certain state-owned properties;

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

That the Legislative Council study the various methods by which the state acquires and holds title to real property, the feasibility of simplifying or clarifying laws regarding acquisition and ownership of real property by the state, the effect on local tax bases of ownership of real property by the state, and the feasibility or desirability of requiring divestiture by the state of certain real 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-second Legislative Assembly.

Filed March 28, 1989

## CHAPTER 912

SENATE CONCURRENT RESOLUTION NO. 4061  
(Senators Schoenwald, Krauter, Waldera)  
(Representatives Nelson, Haugland)  
(Approved by the Committee on Delayed Bills)

### COAL SLURRY EMINENT DOMAIN OPPOSED

A concurrent resolution urging Congress not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines.

WHEREAS, North Dakota's water is a precious natural resource that is necessary for agricultural, recreational, and industrial beneficial uses; and

WHEREAS, the Missouri River and Lake Sakakawea are seriously depleted as a result of recent drought conditions; and

WHEREAS, North Dakota water rights may be preempted by federal legislation pending before Congress which would authorize the use of North Dakota water to transport coal by slurry pipeline; and

WHEREAS, this proposed federal legislation would grant coal slurry pipeline consortiums the right of eminent domain to acquire property for the transportation of North Dakota coal and lignite, using North Dakota water, to distant utilities; and

WHEREAS, unit coal trains that currently transport vast quantities of coal in the upper midwest would be eliminated, causing the loss of North Dakota railroad jobs;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of Transportation, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, the chairmen of the appropriate committees of the United States Congress, and to each member of the North Dakota Congressional Delegation.

Filed April 10, 1989

## CHAPTER 913

SENATE CONCURRENT RESOLUTION NO. 4062  
(Senators Tennesfos, Hilken)  
(Representative Timm)  
(Approved by the Committee on Delayed Bills)

### FEDERAL HIGHWAY TRUST FUND

A concurrent resolution urging Congress to make the federal highway trust fund permanent and to provide for use of the fund for purposes for which the fund was established.

WHEREAS, large scale rehabilitation, repair, and capacity improvements are ongoing necessities of the national highway transportation system; and

WHEREAS, the highway transportation system is the most critical component of the physical infrastructure of the United States; and

WHEREAS, there is a growing and concentrated national consensus for a program to serve the country's highway transportation needs through the year 2020; and

WHEREAS, high quality highways are critical to the ability of manufacturers to build and deliver products, and to the ability of states and communities to attract new industry and to sustain economic growth; and

WHEREAS, the international trade competitive positions of the nation and of the states are directly related to the quality of access to the interstate highway system and related to the physical condition of interstate and primary highways; and

WHEREAS, current national policy makes no provision for continuing the federal aid highway program into the future; and

WHEREAS, in all recent federal aid highway acts, Congress has had to include provisions for extending the highway trust fund and the taxes that fund it;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to make permanent the highway trust fund and the user fees accruing to it, so that a reliable funding source is available for constructing, rehabilitating, and otherwise improving the highways and bridges that are so essential to the economic vigor of North Dakota and of the nation; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly urges the Congress of the United States to protect the highway trust fund from predatory proposals to divert highway user revenues to programs entirely

unrelated to the transportation purposes for which the fund was established;  
and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of the United States Department of Transportation, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the chairmen of the National Economic Commission, and to each member of the North Dakota Congressional Delegation.

Filed April 10, 1989



## CHAPTER 914

SENATE CONCURRENT RESOLUTION NO. 4063  
(Senator Tennefos)  
(Representative Timm)  
(Approved by the Committee on Delayed Bills)

### **MOTOR VEHICLE TAX REVENUE STUDY**

A concurrent resolution directing the Legislative Council to study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues.

WHEREAS, Article X, Section 11, of the Constitution of North Dakota provides that "revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes . . . shall be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways . . ." and North Dakota Century Code Section 57-43.1-29 provides that motor fuel and other motor vehicle taxes must be used for highway purposes and for no other purpose; and

WHEREAS, highway tax distribution fund receipts include motor fuels taxes, special fuels taxes, and license and registration fees as well as other transfers and taxes; and

WHEREAS, the highway tax distribution fund disbursements have included construction and maintenance of roads, planning, safety, and administration as well as transfers to other state agencies such as the Highway Patrol, State Radio, and the Economic Development Commission; and

WHEREAS, in recent Legislative Assemblies there have been transfers and proposals to divert motor vehicle license, registration, and fuels tax revenues from the highway tax distribution fund to the state general fund and to fund other programs such as the Centennial Commission, Tourism, and State Radio Communications; and

WHEREAS, legal questions exist with regard to use of motor vehicle license, registration, and fuels tax revenues under Article X, Section 11, of the Constitution of North Dakota as well as the status of all state, county, and city highway funds as dedicated funds; and

WHEREAS, litigation has challenged and may again challenge highway fund transfers;

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

That the Legislative Council study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues; 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-second Legislative Assembly.

## CHAPTER 915

SENATE CONCURRENT RESOLUTION NO. 4064

(Richard)

(Approved by the Committee on Delayed Bills)

### **DISASTER ASSISTANCE INCOME TAX TREATMENT**

A concurrent resolution urging Congress and the Department of the Treasury to rescind or amend legislative and rulemaking provisions that require Disaster Assistance Act of 1988 payments to farmers to be treated as income in a single taxable year.

WHEREAS, due to the nature of farming there is a substantial fluctuation in farmers' year-to-year incomes; and

WHEREAS, farmers have adapted to fluctuating year-to-year income by methods such as storing agricultural products or entering deferred payment contracts for agricultural products and these methods are used in the normal course of their business as a means of preparing for poor crop years and income tax planning; and

WHEREAS, the drought of 1988 resulted in severe economic damage to farmers which was compensated in part by Disaster Assistance Act payments from the federal government; and

WHEREAS, Congress required, in the Technical and Miscellaneous Revenue Act of 1988 amendment of Section 451 of the Internal Revenue Code, that Disaster Assistance Act payments must be treated as income to the recipient in a single taxable year, rather than allocated among multiple taxable years, as would be the farmer's option in the normal course of business with agricultural products that were replaced by the payments; and

WHEREAS, this legislation and Internal Revenue Service rulings fail to recognize the options available to farmers in the normal course of business and require some farmers to forego ordinary income tax planning methods used in the farming business, thus extracting from farmers a portion of Disaster Assistance Act payments that were intended by the federal government to partially offset losses to American agriculture from the drought of 1988; and

WHEREAS, allowing the allocation of farmers' federal Disaster Assistance Act payments to multiple taxable years would be compatible with the intent of the federal government in providing disaster payments to farmers, would more closely parallel normal farm income circumstances, and could be done under certain reasonable limitations such as allowing payments to be spread over a limited number of years or requiring payments to be included in income in a manner that requires claiming of a minimum percentage of the income reported by the farmer in the previous taxable year;

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

That the Fifty-first Legislative Assembly urges Congress and the Department of the Treasury to rescind or amend legislation or rules that require federal Disaster Assistance Act payments to farmers to be reported as income in a single taxable year and to provide for allocation of income from federal Disaster Assistance Act payments to multiple tax years, subject to reasonable limitations, and to allow filing of amended returns by those farmers who have already filed income tax returns for taxable year 1988; and

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

Filed April 10, 1989

## CHAPTER 916

SENATE CONCURRENT RESOLUTION NO. 4065  
(Satrom, Richard, Tennefos)  
(Approved by the Committee on Delayed Bills)

### TAX SYSTEM AND AIRPORT FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the balance between the various tax systems in North Dakota, policies and issues of taxing gaming in North Dakota, and policies, planning, and funding of local and regional airports in North Dakota.

WHEREAS, uncertainty exists concerning the proper balance between the various tax systems in North Dakota, including property taxes, corporate, individual, trust, and estate income taxes, and sales, use, and excise taxes; and

WHEREAS, variation exists between statistics and studies which compare North Dakota's tax rates to the rates of other states; and

WHEREAS, sufficient data is not available to thoroughly analyze some complex tax legislation introduced in the Fifty-first Legislative Assembly including the corporate alternative minimum income tax and unitary tax; and

WHEREAS, controversy exists concerning the propriety and economic development value of the various tax credits, subsidies, and exemptions; and

WHEREAS, controversy exists concerning the appropriateness, manner, and level of taxation of gaming in North Dakota; and

WHEREAS, the funding of regional and local airports continues to be a problem requiring state involvement;

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

That the Legislative Council study the balance between the various tax systems in North Dakota, policies and issues of taxing gaming in North Dakota, and policies, planning, and funding of local and regional airports in 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-second Legislative Assembly.

Filed April 17, 1989

## CHAPTER 917

SENATE CONCURRENT RESOLUTION NO. 4066  
(Senators J. Meyer, D. Meyer, W. Meyer)  
(Representatives Murphy, Stofferahn)  
(Approved by the Committee on Delayed Bills)

### GOVERNMENTAL LAND ACQUISITION STUDY

A concurrent resolution directing the Legislative Council to study the economic and social impact to North Dakota political subdivisions, agriculture, and businesses resulting from the increasing number of acres of land acquired by the federal and state governments.

WHEREAS, in North Dakota the State Game and Fish Department owns and leases approximately 151,338 acres of land and the North Dakota Parks and Recreation Department owns and leases approximately 15,598 acres of land; and

WHEREAS, in North Dakota the National Forest Service controls approximately 1,000,000 acres of land and the National Fish and Wildlife Service has over 78,000 acres of land in refuges under easement, 773,000 acres of land in wetland easements, 223,620 acres of land in fee title waterfowl production areas, and 211,000 acres of land in fee title refuges; and

WHEREAS, land under water and land acquired by the federal and state governments is removed from political subdivisions' tax bases; and

WHEREAS, there exists a growing concern over the loss of agricultural land as a result of land turned into reserves and over the competition resulting when local people and the state or federal government wishes to acquire the same land;

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

That the Legislative Council study the economic and social impact on political subdivisions, the agricultural community, and the business community when the state or federal government acquires land and the land is removed from the political subdivisions' tax bases; 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-second Legislative Assembly.

Filed April 10, 1989

## CHAPTER 918

SENATE CONCURRENT RESOLUTION NO. 4067

(Richard)

(Approved by the Committee on Delayed Bills)

### TRIBAL COURT COMMITMENTS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities in accordance with the state's mental health commitment laws.

WHEREAS, tribal courts do not have the authority to order involuntary mental health commitments under North Dakota Century Code Chapter 25-03.1; and

WHEREAS, because the tribal consent necessary for state court jurisdiction has not been granted, there is no available legal process for the involuntary commitment of enrolled tribal members in need of treatment for mental illness or chemical dependency residing on the Fort Berthold, Fort Totten, Standing Rock, and Turtle Mountain reservations; and

WHEREAS, thorough study of the feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities is necessary before such authority is enacted;

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

That the Legislative Council study the feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities in accordance with the state's mental health commitment laws; 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-second Legislative Assembly.

Filed April 10, 1989

## CHAPTER 919

SENATE CONCURRENT RESOLUTION NO. 4068  
(Senators Mushik, W. Meyer, Lips)  
(Representatives Ulmer, Gerl)  
(Approved by the Committee on Delayed Bills)

### MISSOURI RIVER BANK FUNDS URGED

A concurrent resolution requesting the United States Congress to provide funds to construct bank protective works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams.

WHEREAS, in 1988 Congress and the President approved legislation directing the United States Army Corps of Engineers to construct bank protection works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams; and

WHEREAS, this legislation finally recognized the continual bank erosion and net loss of valuable land occurring and recognized that this loss is a Pick-Sloan Project responsibility; and

WHEREAS, land loss is continuing and is especially severe during high winter water release rates and during high summer flood release rates; and

WHEREAS, it is urgent to install protective works as soon as possible on the river banks in the most vulnerable locations to prevent more loss of valuable land; and

WHEREAS, this bank protection project must be considered a necessary correction of problems caused by the installation and operation of the Pick-Sloan dams and not as a water development project;

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

That the United States Congress and the President are commended for passing legislation that finally addresses the Missouri River bank erosion problem and the net loss of valuable land downstream from the Pick-Sloan dams; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly urges the United States Congress to provide up to \$3,000,000 per year as provided in the approved legislation so bank protective works can be installed on a timely basis to prevent more loss of valuable land; and

BE IT FURTHER RESOLVED, that funding for this project should not be a normal federal water project appropriation, but instead should be charged to the maintenance budget of the Pick-Sloan project; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the members of the Congressional Delegations of North Dakota, South Dakota, Nebraska, and Montana; the Commanding General of the United States Corps of Engineers; the Commander of the Omaha Division of the United States Corps of Engineers; the North Dakota State Water Commission; and the Office of Management and Budget.

Filed April 10, 1989

## CHAPTER 920

SENATE CONCURRENT RESOLUTION NO. 4069  
(Thane, Stromme)  
(Approved by the Committee on Delayed Bills)

### STATE EMPLOYEE COMPENSATION STUDY

A concurrent resolution directing the Legislative Council to study state employee compensation levels and practices.

WHEREAS, some state employees may be receiving salaries resulting in family incomes below the poverty level; and

WHEREAS, state employee compensation should be based on equitable factors; and

WHEREAS, low salary jobs should be reviewed, and employees receiving low salaries should be given the opportunity to advance through job training or education to higher pay grades; and

WHEREAS, across-the-board percentage increases tend to continue disparities in compensation levels;

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

That the Legislative Council study the current administration of salary increases, the numbers of persons in various pay grades, the nature of job duties and responsibilities in the lower pay grades, and make recommendations for options to improve compensation levels for lower paid state employees; and

BE IT FURTHER RESOLVED, that the Central Personnel Division provide such assistance to the Legislative Council as the Legislative Council requests in conducting the study; and

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

Filed April 10, 1989



## CHAPTER 921

SENATE CONCURRENT RESOLUTION NO. 407C  
(Senators Tennefos, Hilken)  
(Representatives Timm, Dorso)  
(Approved by the Committee on Delayed Bills)

### **HIGHWAY AND AIRPORT TRUST FUND APPORTIONMENT URGED**

A concurrent resolution urging the Congress of the United States to remove the highway trust fund and the airport and airway trust fund from the unified federal budget process and enact legislation to apportion to the states over a five-year period the surpluses currently retained in the trust funds and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax.

WHEREAS, the highway and airport trust funds are funded by user fees collected in advance of expenditure and are dedicated to highway and airport improvement programs; and

WHEREAS, at the national level, the highway trust fund can support an annual spending level of approximately \$14 billion and the airport and airway trust fund can support an annual spending level of approximately \$4 billion; and

WHEREAS, inclusion in the unified federal budget has limited appropriations from the highway trust fund to approximately \$13 billion a year and appropriations from the airport and airway trust fund to approximately \$3 billion a year; and

WHEREAS, the inclusion of appropriations from the highway and airport trust funds in the unified federal budget prevents North Dakota from receiving approximately \$6 million each year in highway funds and approximately \$2.5 million each year in airport funds to which the state is entitled; and

WHEREAS, reduced appropriations from the funds has resulted in surpluses being retained in the funds of approximately \$9 billion for the highway trust fund and approximately \$6 billion for the airport and airway trust fund; and

WHEREAS, if the surpluses retained in the trust funds were apportioned to the states, North Dakota would be entitled to receive approximately \$35 million in highway funds and approximately \$15 million in airport funds; and

WHEREAS, reductions in highway and airport transportation trust fund appropriations and retention of surpluses in the funds hamper North Dakota's, as well as other states', ability to address identified, critical transportation needs; and

WHEREAS, the moneys in the highway and airport trust funds cannot be transferred to other programs included in the unified federal budget and limitations on trust fund expenditures and retention of surpluses in the trust funds may reduce the total federal budget but do not result in a real reduction in the federal deficit; and

WHEREAS, it is inappropriate that the dedicated trust funds for highways and airports are subject to the unified federal budget process; and

WHEREAS, the 50 percent reduction in taxing authority of the "trigger tax" affecting the airport and airway trust fund would adversely affect the modernization and improvement of the total airway and airport infrastructure of the national air transportation system;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to remove the highway trust fund and the airport and airway trust fund from the unified federal budget process and to enact legislation to apportion to the states over a five-year period the surpluses currently retained in the trust funds and to repeal the "trigger tax" affecting the airport and airway trust fund before the January 1, 1991, effective date of that tax; and

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

Filed April 17, 1989

## CHAPTER 922

SENATE CONCURRENT RESOLUTION NO. 4071  
(Senators Satrom, D. Meyer, Kinnoin)  
(Representatives Murphy, Enget)  
(Approved by the Committee on Delayed Bills)

### FOUR BEARS BRIDGE FUNDING URGED

A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge west of New Town, North Dakota.

WHEREAS, the Four Bears Bridge, named in honor of Chief Four Bears of the Hidatsa tribe, provides an important transportation link across Lake Sakakawea; and

WHEREAS, the Four Bears Bridge, at 4,483 feet in length, is the state's longest highway bridge and earned a place in North Dakota history when it became the only three truss span highway bridge of its size to be moved over 50 miles; and

WHEREAS, the Four Bears Bridge was constructed by combining the Elbowoods, North Dakota, town bridge, which was constructed in 1930, with additional girder and deck spans to enable the bridge to extend across Lake Sakakawea; and

WHEREAS, in 1987 the bridge had traffic of approximately 2,400 vehicles per day and traffic is expected to increase to approximately 4,000 per day by the year 2007; and

WHEREAS, the bridge's narrow width, which is 20 feet from curb to curb, restricted load limit, and low vertical clearance have rendered the bridge functionally obsolete and its advancing age contributes to structural deficiencies; and

WHEREAS, to ensure the continued existence of this important transportation link, the Four Bears Bridge should be replaced and any replacement bridge should bear a placque observing the historical significance of the Four Bears Bridge and its name;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to provide funds to replace the Four Bears Bridge west of New Town, North Dakota; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of Transportation, the Army Corps of Engineers, the majority leaders in the United States Senate and House of Representatives, and each member of the North Dakota Congressional Delegation.

Filed April 17, 1989

## CHAPTER 923

SENATE CONCURRENT RESOLUTION NO. 4072

(Lips)

(Approved by the Committee on Delayed Bills)

### NORWEGIAN CONSTITUTION ANNIVERSARY

A concurrent resolution congratulating the people of Norway on the 175th Anniversary of the Constitution of Norway.

WHEREAS, Syttende Mai, May 17, is Norwegian Independence Day; and

WHEREAS, on May 17, 1989, Norway will celebrate the 175th Anniversary of its Constitution, and on November 2, 1989, the state of North Dakota will celebrate the 100th Anniversary of its admission as the 39th state of the United States of America; and

WHEREAS, relations between Norway and the United States are based on a solid foundation of extensive family ties, many common interests, and a strong dedication to common values, including open and democratic government, respect for human rights, independence and self-determination, and a dedication to peace among all nations of the world; and

WHEREAS, special ties exist between North Dakota and Norway because thousands of Norwegian immigrants were important in the development of North Dakota, including Nelson E. Nelson who came to America from Norway in 1849 and in 1869 established the first homestead on land that in 1889 became part of the state of North Dakota, and because approximately one-third of North Dakota's present population has a Norwegian ethnic background;

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

That the Fifty-first Legislative Assembly extends its congratulations to the people of Norway on the 175th Anniversary of the Constitution of Norway and requests the Governor to transmit to Norwegian Ambassador Kjell Eliassen and Consul General Bjarne Grindem a message congratulating the people of Norway on May 17, 1989, the 175th Anniversary of the Constitution of Norway; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly urges the Governor to extend to Ambassador Kjell Eliassen and Consul General Bjarne Grindem an invitation to the people of Norway to participate in events celebrating the 100th Anniversary of North Dakota's statehood; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor for transmittal to Ambassador Kjell Eliassen and Consul General Bjarne Grindem.

Filed April 10, 1989

## CHAPTER 924

SENATE CONCURRENT RESOLUTION NO. 4073  
(Thane, Mushik, Yockim)  
(Approved by the Committee on Delayed Bills)

### **SPED AND LONG-TERM CARE PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to monitor the Department of Human Services' service payments to the elderly and disabled and long-term care programs during the 1989-91 biennium.

WHEREAS, the Legislative Assembly has created within the Department of Human Services a service program for the elderly and disabled (SPED) to assist persons to stay in their own homes and avoid or delay admittance to long-term care facilities at a cost in excess of \$5,600,000 for the 1989-91 biennium; and

WHEREAS, the 1989 Legislative Assembly may appropriate in excess of \$132,000,000 for long-term care during the 1989-91 biennium; and

WHEREAS, the Department of Human Services will begin the case mix-rate equalization reimbursement program for long-term care beginning on January 1, 1990; and

WHEREAS, problems may arise in the implementation of the new reimbursement program which should be brought to the attention of the next Legislative Assembly; and

WHEREAS, if the SPED program is successful, it should reduce payments to long-term care facilities; and

WHEREAS, long-term care facility personnel may be able to provide assistance as providers of services in the operation of the SPED program;

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

That the Legislative Council monitor the Department of Human Services' long-term care and SPED programs during the 1989-91 interim; and

BE IT FURTHER RESOLVED, that the Legislative Council determine whether long-term care facility personnel could assist in the delivery of SPED program services; and

BE IT FURTHER RESOLVED, that the Department of Human Services provide such assistance to the Legislative Council, or its designated committee, as the Legislative Council may request in conducting the study; and

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

Filed April 17, 1989

## CHAPTER 925

SENATE CONCURRENT RESOLUTION NO. 4074  
(Senators Schoenwald, Keller, Shea)  
(Representatives Frey, Oban)  
(Approved by the Committee on Delayed Bills)

### JOHN L. LEWIS STAMP URGED

A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis.

WHEREAS, John L. Lewis was a giant of the American labor movement whose leadership of the United Mine Workers of America and the Congress of the Industrial Organizations resulted in his greatest achievements; and

WHEREAS, while president of the United Mine Workers of America, the leadership and negotiating skill of John L. Lewis won a number of crucial gains for coal miners in North Dakota and across the country; and

WHEREAS, those gains included the establishment of a health care and retirement plan, improved mine safety, better wages, the establishment of a minimum age for working in coal mines, abolition of the payment to miners in company scrip, and abolition of compulsory company housing and company stores; and

WHEREAS, John L. Lewis was a chief founder of the Congress of Industrial Organizations and served as its first president from 1935 to 1940; and

WHEREAS, under leadership of John L. Lewis the Congress of Industrial Organizations organized millions of workers in the steel, auto, rubber, textile, and shipbuilding industries; and

WHEREAS, President Lyndon B. Johnson awarded the Medal of Freedom, our nation's highest civilian decoration, to John L. Lewis for his efforts on behalf of American workers;

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

That the Fifty-first Legislative Assembly urges the Postmaster General of the United States Postal Service to issue a stamp commemorating the late John L. Lewis; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Postmaster General of the United States Postal Service; the Citizen Stamp Advisory Committee, United States Postal Service, 475 L'enfant Plaza Southwest, Washington, D.C. 20005; and to the editors of United Mine Workers Journal, 900 Fifteenth Street Northwest, Washington, D.C. 20005.

Filed April 19, 1989

## CHAPTER 926

SENATE CONCURRENT RESOLUTION NO. 4075  
(Senators Olson, Heigaard)  
(Representatives Kloubec, Schneider)

### **PRESIDENT BUSH THANKED**

A concurrent resolution thanking President Bush for participating in the celebration of North Dakota's Centennial.

WHEREAS, North Dakota is celebrating 100 years of statehood in 1989; and

WHEREAS, citizens of North Dakota are celebrating the state's Centennial by participating in the North Dakota Centennial One Hundred Million Tree Program; and

WHEREAS, President Bush has expressed his support for measures protecting and enhancing the environment; and

WHEREAS, President Bush will be visiting North Dakota to recognize North Dakota's Centennial and to participate in the North Dakota Centennial One Hundred Million Tree Program by planting a tree on the State Capitol grounds; and

WHEREAS, President Bush will be the eleventh president to visit North Dakota;

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

That the Fifty-first Legislative Assembly thanks President George Bush for participating in the celebration of North Dakota's Centennial; and

BE IT FURTHER RESOLVED, that the Secretary of State provide an enrolled copy of this resolution to the North Dakota Centennial Commission for presentation to President George Bush upon his arrival in North Dakota.

Filed April 24, 1989