

SENATE CONCURRENT RESOLUTIONS

CHAPTER 676

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Council)
(Interim Budget Committee on Youth Services)
(Senator Robinson)
(Representatives Kunkel, Boucher)

SEX OFFENSES AGAINST CHILDREN DISPOSITION STUDY

A concurrent resolution directing the Legislative Council to study dispositional alternatives available in cases involving sexual offenses against children, the disposition of cases involving perpetrators who do not attend court-ordered treatment, and the courts' use of and compliance with North Dakota Century Code Chapter 12.1-35 and Rule 803(24) of the North Dakota Rules of Evidence.

WHEREAS, two-thirds of the prison sentences for convicted sex offenders are less than three years in length, not allowing sufficient time in some cases for completion of the State Penitentiary sex offender treatment program; and

WHEREAS, 55 percent of the 113 sex offenders incarcerated at the State Penitentiary as of June 1994 are not required by court order to participate in any sex offender treatment program; and

WHEREAS, judges may fail to follow the recommendations of child sex offender treatment specialists and fail to take appropriate action when convicted child sex offenders refuse to participate in the treatment that is a condition of their probation or parole; and

WHEREAS, North Dakota Century Code Chapter 12.1-35 permits an individual to accompany or support a witness under the age of 14; and

WHEREAS, Rule 803(24) of the North Dakota Rules of Evidence permits an out-of-court statement by a child under the age of 12 about sexual abuse to be admissible as evidence; and

WHEREAS, concerns have been raised that the statutory changes and rules of evidence designed to improve the handling of court cases involving children have been misinterpreted or not utilized;

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

That the Legislative Council study dispositional alternatives available in cases involving sexual offenses against children, the disposition of cases involving

perpetrators who do not attend court-ordered treatment, and the courts' use of and compliance with North Dakota Century Code Chapter 12.1-35 and Rule 803(24) of the North Dakota Rules of Evidence; 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-fifth Legislative Assembly.

Filed March 28, 1995

CHAPTER 677**SENATE CONCURRENT RESOLUTION NO. 4002**

(Legislative Council)
(Interim Budget Committee on Youth Services)
(Senator Robinson)
(Representatives Rydell, Johnson)

CHILDREN'S SERVICES DELIVERY SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the implementation of the 1993-94 interim Budget Committee on Youth Services recommendations to enhance the children's services delivery system in North Dakota.

WHEREAS, the Legislative Council's 1993-94 interim Budget Committee on Youth Services studied the provision of services for children in North Dakota and made recommendations to the Fifty-fourth Legislative Assembly to improve North Dakota's children's services delivery system; and

WHEREAS, the recommendations included the development, by state agencies responsible for children's services, of specific goals and objectives to enhance children's services in North Dakota and the development of a mechanism to monitor the state's progress in achieving these goals; and

WHEREAS, concerns were expressed during the study regarding the method of allocating funds to counties for child abuse and neglect investigations; and

WHEREAS, many federal, state, and local government programs provide services to children and the coordination and collaboration among children's service providers is essential in order to provide efficient and effective children's services; and

WHEREAS, regional children's services coordinating committees established by the Fifty-third Legislative Assembly are organized and, under the guidance of the state Children's Services Coordinating Committee, are developing community plans for children's services;

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

That the Legislative Council study the implementation of the 1993-94 interim Budget Committee on Youth Services recommendations to enhance the children's services delivery system in North Dakota, including monitoring the efficiency and effectiveness of the children's services delivery system, monitoring state agencies' and other entities' progress toward achieving the goals and objectives developed for North Dakota's children's services, and reviewing the coordination and collaboration among children's service providers at both the state and local level; and

BE IT FURTHER RESOLVED, that the Children's Services Coordinating Committee periodically report to the Legislative Council or a committee designated by the Council on the Children's Services Coordinating Committee's progress toward meeting its goals and objectives for improving the status of children and families 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-fifth Legislative Assembly.

Filed March 28, 1995

CHAPTER 678**SENATE CONCURRENT RESOLUTION NO. 4003**

(Legislative Council)
(Interim Budget Committee on Youth Services)
(Senator Robinson)
(Representatives Johnson, Martin)

HOUSING FUNDING INITIATIVE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and adaptability of a long-term funding initiative to make available housing for families who are low income, homeless, or disabled, or who require transitional housing to assist them toward independent living.

WHEREAS, the Child Welfare League of America has recommended a study of housing needs in the state; and

WHEREAS, the North Dakota Housing Needs Assessment commissioned by the Housing Finance Agency in 1992 studied the housing needs of North Dakota and identified thirteen action areas; and

WHEREAS, the 1994 Comprehensive Housing Affordability Strategy Update prepared by the Office of Intergovernmental Assistance identified a need for more affordable housing in North Dakota; and

WHEREAS, an assessment of housing needs in the state indicates that there is a need to improve the quality and condition of the existing housing stock for low-income households; and

WHEREAS, an increasing number of homeless persons in the state creates a need for emergency housing for homeless individuals and families; and

WHEREAS, agencies and organizations providing services to the elderly and to persons with disabilities have expressed the need for more affordable, accessible housing units; and

WHEREAS, providers across the state indicate that there is a need to develop more independent living opportunities for the developmentally disabled population;

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 adaptability of a long-term funding initiative to make available housing for families who are low income, homeless, or disabled, or who require transitional housing to assist them toward independent living; 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-fifth Legislative Assembly.

Filed March 8, 1995

CHAPTER 679**SENATE CONCURRENT RESOLUTION NO. 4004**

(Legislative Council)
(Interim Education Finance Committee)
(Senators Yockim, C. Nelson)
(Representative Kaldor)

SCHOOL CONSTRUCTION STUDY

A concurrent resolution directing the Legislative Council to study the needs of school districts regarding buildings and facilities and the role of the state in the construction, maintenance, and renovation of school buildings and facilities.

WHEREAS, the children of North Dakota should be afforded a quality education; and

WHEREAS, the provision of a quality education is to some extent contingent upon the facilities and the environment in which it is presented; and

WHEREAS, the construction, maintenance, and renovation of school buildings and facilities require significant local monetary infusions; and

WHEREAS, the ability of school districts to provide adequate buildings and facilities varies throughout 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 needs of school districts regarding buildings and facilities and the role of the state in the construction, maintenance, and renovation of school buildings and facilities; 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-fifth Legislative Assembly.

Filed March 1, 1995

CHAPTER 680**SENATE CONCURRENT RESOLUTION NO. 4006**

(Legislative Council)
(Interim Education Services Committee)
(Senators Scherber, St. Aubyn)
(Representatives Kunkel, Aarsvold, Kroeber)

MIDDLE SCHOOL STUDY

A concurrent resolution directing the Legislative Council to study statutory and systemic changes necessitated by the implementation of middle school concepts.

WHEREAS, students between the ages of 10 and 14 are in a period of human development now recognized as being extremely complex; and

WHEREAS, students in their middle learning years benefit most when their age specific characteristics and developmental processes are recognized within their school environments; and

WHEREAS, the creation of middle schools and the implementation of middle school concepts has significantly increased student knowledge and competence and enabled a healthy student independence; and

WHEREAS, recognizing middle level learning as a component of education equal to elementary and secondary levels will require statutory and systemic changes in areas including finance and certification;

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

That the Legislative Council study statutory and systemic changes necessitated by the implementation of middle school concepts; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 681**SENATE CONCURRENT RESOLUTION NO. 4007**

(Legislative Council)

(Interim Education Services Committee)

(Senators Scherber, St. Aubyn)

(Representatives Kroeber, Kunkel, Aarsvold, Gulleon)

TEACHER DEVELOPMENT STUDY

A concurrent resolution directing the Legislative Council to study the delivery and effectiveness of, and costs associated with, professional growth and development programs for teachers.

WHEREAS, teachers are charged with assisting in the care and tutelage of our most precious resource--our children; and

WHEREAS, teachers are expected to meet high academic standards and to understand and utilize new and emerging pedagogical techniques; and

WHEREAS, the need to assist teachers in becoming prepared to accommodate the wide array of students and student needs must be recognized as a statewide duty; and

WHEREAS, time, effort, and financial resources are significant factors in ensuring that our teachers are adequately prepared;

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

That the Legislative Council study the delivery and effectiveness of, and costs associated with, professional growth and development programs for teachers; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 682**SENATE CONCURRENT RESOLUTION NO. 4008**

(Legislative Council)

(Interim Employee Benefits Programs Committee)

(Senators Lindaas, Krebsbach)

(Representatives Clayburgh, Wardner, Austin)

STATE INVESTMENT STUDY

A concurrent resolution directing the Legislative Council to study the state's investment process and the investment of state funds.

WHEREAS, it is beneficial for the state to realize maximum investment returns while minimizing investment risk; and

WHEREAS, the State Investment Board oversees the investment of eight statutory funds with assets totaling approximately \$1.5 billion and four contracted funds with assets totaling approximately \$18 million; and

WHEREAS, the mission of the State Investment Board is to prudently invest assets entrusted to it in the best financial interests of each fund's beneficiaries; and

WHEREAS, the objectives of the Retirement and Investment Office include providing the greatest possible long-term benefits by maximizing the total rate of return on investments within prudent risk parameters and appropriate liquidity restraints; and

WHEREAS, a long-term common goal of the Public Employees Retirement System and Teachers' Fund for Retirement is to maximize benefits to public employees; and

WHEREAS, the adequacy of public employee retirement programs is dependent on the investment of public employee retirement funds;

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 investment process and the investment of state funds; and

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

Filed March 6, 1995

CHAPTER 683

SENATE CONCURRENT RESOLUTION NO. 4010

(Legislative Council)
(Interim International Trade Committee)

INTERNATIONAL TRADE STUDY

A concurrent resolution directing the Legislative Council to establish an International Trade Committee to study international trade agreements and their effect on this state.

WHEREAS, states have the opportunity to grandfather state measures that are inconsistent with certain international trade agreement provisions; and

WHEREAS, the interim International Trade Committee held meetings and heard testimony from individuals and representatives of state departments and agencies concerned about the effect of international trade agreements on this state, and discussed various topics including inconsistent state measures under certain international trade agreement provisions, export assistance programs, and state economic development opportunities in international trade; and

WHEREAS, the formation of an International Trade Committee would provide a focal point for individuals and state and private economic development agencies and organizations to keep informed of developments in international trade and to develop and execute policies and plans for state development in international trade;

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

That the Legislative Council establish an International Trade Committee to study requirements, deadlines, and effects of international trade agreements and to stimulate the further development of international trade in this state; and

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

Filed March 20, 1995

CHAPTER 684**SENATE CONCURRENT RESOLUTION NO. 4012**

(Legislative Council)
(Interim Judiciary Committee)
(Senators W. Stenehjem, Traynor, Redlin)
(Representatives Brown, Coats)

TRIBAL-STATE GAMING COMPACT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of legislation governing the future negotiation, amendment, and renewal of tribal-state gaming compacts.

WHEREAS, tribal gaming compacts have been negotiated between the Governor and the Indian tribes in the state; and

WHEREAS, no statute establishes which government official or agency has the authority to enter into compact negotiation and to bind the state to the terms of a compact; and

WHEREAS, the Legislative Assembly desires a role in determining the contents of the compacts;

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

That the Legislative Council is directed to study the feasibility and desirability of legislation governing the future negotiation, amendment, and renewal of tribal-state gaming compacts; and

BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Council seek the involvement of representatives of the tribal governments of the state; and

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

Filed April 10, 1995

CHAPTER 685**SENATE CONCURRENT RESOLUTION NO. 4015**

(Legislative Council)
(Interim Taxation Committee)

PROPERTY TAX ASSESSMENT STUDY

A concurrent resolution directing the Legislative Council to study the property tax assessment system of the state, with emphasis on the potential benefits to the system from improved technology and sharing of resources.

WHEREAS, grant funding has been provided to the North Dakota Association of Counties to conduct a study of the property tax assessment system of the state, with the stated intention that the study will focus on the benefits that may be achieved through improved technology and sharing of resources among state and local governments; and

WHEREAS, substantial benefits may be derived if methods can be devised to allow sharing of data among state and local governments, and the uniformity, equity, and accuracy of property tax assessments might be greatly enhanced by application of improved technology;

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

That the Legislative Council study the property tax assessment system of the state, receive the report on the study conducted by the North Dakota Association of Counties, and concentrate attention on the feasibility and desirability of improving technology to improve the property tax assessment system of the state and to allow sharing of information and resources among state and local governments; 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-fifth Legislative Assembly.

Filed March 2, 1995

CHAPTER 686**SENATE CONCURRENT RESOLUTION NO. 4016**

(Legislative Council)
(Interim Taxation Committee)

PROPERTY TAX PREFERENCES STUDY

A concurrent resolution directing the Legislative Council to study tax preferences, with emphasis on property tax preferences that may be granted at the discretion of political subdivisions or that were created as economic development incentives.

WHEREAS, the Legislative Assembly has enacted various tax preferences at different times which should be examined periodically for compatibility and effectiveness; and

WHEREAS, tax preferences granted at the discretion of political subdivisions may impact other political subdivisions that have no control over the granting of the preferences; and

WHEREAS, tax preferences created for economic development purposes should be carefully examined to determine whether they accomplish the desired objectives;

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

That the Legislative Council study tax preferences, with emphasis on property tax preferences that may be granted at the discretion of political subdivisions or that were created as economic development incentives; 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-fifth Legislative Assembly.

Filed March 8, 1995

CHAPTER 687**SENATE CONCURRENT RESOLUTION NO. 4017**

(Senators Nalewaja, Solberg, Grindberg, Robinson)
(Representative Carlisle)

CORONER SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the coroner system in the state, the issuance of death certificates, and whether certain information in death certificates should be exempt from open records requirements.

WHEREAS, each county in the state, unless it has adopted an optional form of county government, is required to appoint a county coroner; and

WHEREAS, although county coroners are required by law to be licensed physicians, there is no requirement that a coroner be knowledgeable or experienced in forensic pathology; and

WHEREAS, a coroner specially trained in forensic pathology would likely be able to provide more accurate determinations of causes of death; and

WHEREAS, records of a coroner, including death certificates, are public records open to inspection;

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

That the Legislative Council study the coroner system in the state, the issuance of death certificates, and whether certain information in death certificates should be exempt from open records 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-fifth Legislative Assembly.

Filed March 15, 1995

CHAPTER 688**SENATE CONCURRENT RESOLUTION NO. 4020**

(Senators Mushik, Goetz, Mathern)
(Representative Hausauer)

SENIOR CITIZEN HOUSING NEEDS STUDY

A concurrent resolution directing the Legislative Council to study zoning and real estate tax laws to assess the desirability of enacting legislation relating to the housing needs and preferences of senior citizens.

WHEREAS, according to the American Association of Retired Persons, 54 percent of senior citizens have done very little planning regarding their housing needs for later years; and

WHEREAS, health status, financial needs, and desire for companionship, convenience, safety, and security from crime lead senior citizens to explore various kinds of living arrangements; and

WHEREAS, communities have various housing options available to meet the needs of senior citizens, including single-family dwelling units, semidetached units, multiunit buildings, subsidized housing, congregate housing, and retirement communities; and

WHEREAS, the Fifty-third Legislative Assembly considered, but did not adopt, legislation that would have established zoning accommodations for congregate housing or dwelling units for senior citizen occupancy;

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

That the Legislative Council study zoning and real estate tax laws to assess the desirability of enacting legislation relating to the housing needs and preferences of senior citizens; 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-fifth Legislative Assembly.

Filed March 8, 1995

CHAPTER 689**SENATE CONCURRENT RESOLUTION NO. 4021****(Senators Holmberg, Goetz, Heinrich, G. Nelson, Streibel, Wogsland)****FISCAL NOTE STUDY**

A concurrent resolution directing the Legislative Council to study the fiscal note process.

WHEREAS, legislative rules require fiscal notes on measures that have a potential impact on the revenues or expenditures of the state; and

WHEREAS, legislative rules require an attempt to prepare fiscal notes on measures that have a potential impact on the revenues or expenditures of cities and counties, but not schools; and

WHEREAS, fiscal notes are requested of state agencies determined to be in the best position to estimate the impact of proposed legislation; and

WHEREAS, state agencies are often unable to provide the Legislative Assembly with sufficient information to prepare fiscal notes for measures impacting local government; and

WHEREAS, many legislative decisions are made based on the accuracy of fiscal notes prepared by state agencies, departments, and institutions; and

WHEREAS, it is important for the Legislative Assembly to determine whether fiscal notes are accurate and can be relied on; and

WHEREAS, the Legislative Assembly has not required a review of fiscal notes in the audit of state entities;

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

That the Legislative Council conduct a study of the fiscal note process to determine whether improvements can be made in the process and whether procedures can be established to measure and evaluate the accuracy of projections contained in fiscal notes; 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-fifth Legislative Assembly.

Filed March 20, 1995

CHAPTER 690**SENATE CONCURRENT RESOLUTION NO. 4022**

(Senators Wanzek, Christmann)
(Representatives Belter, Nichols, Retzer, Wald)

**TAX CREDIT FOR HEALTH INSURANCE PREMIUMS
URGED**

A concurrent resolution urging Congress to enact legislation allowing an income tax deduction or credit for health insurance premiums.

WHEREAS, Congress has recently deliberated legislation to provide health care coverage for a greater number of Americans; and

WHEREAS, federal income tax law does not allow a general deduction for individuals who pay their own health insurance premiums; and

WHEREAS, employees who have health insurance coverage as a benefit of employment are not subject to income tax on the value of that insurance coverage; and

WHEREAS, the present income tax law is inequitable to individuals who are self-employed or employed but who must pay health insurance premiums in after-tax dollars; and

WHEREAS, this inequity is particularly hard on states such as North Dakota in which a large portion of the population is self-employed in agricultural production or other endeavors; and

WHEREAS, if Congress is truly concerned about affordable health care coverage for Americans it appears a simple means of improving affordability for many Americans is through an income tax deduction or credit for insurance premiums;

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

That the Fifty-fourth Legislative Assembly urges the Congress of the United States to enact legislation providing an income tax deduction or credit for individuals who pay their own health insurance premiums; and

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

Filed March 8, 1995

CHAPTER 691**SENATE CONCURRENT RESOLUTION NO. 4024**
(Senator Thane)**ECONOMIC DEVELOPMENT IMPACT STUDY**

A concurrent resolution directing the Legislative Council to study the fiscal impact of major economic development projects on political subdivisions.

WHEREAS, the state of North Dakota has encouraged the establishment of major economic development projects in the state; and

WHEREAS, the Legislative Assembly has provided fiscal incentives that have included allowing political subdivisions to grant tax exemptions to encourage the location of major economic development projects in the state; and

WHEREAS, many of the incentives that have been granted are long-term which provides for an opportunity for even some of the best estimates of future fiscal impact to be incorrect; and

WHEREAS, during a period of 10 to 20 years events unforeseen at the time a project was initiated may occur, placing an unintended heavy burden on political subdivisions;

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

That the Legislative Council study the fiscal impact of major economic development projects on political subdivisions to determine the consequences of allowing political subdivisions to grant tax exemptions and to determine the need for a state program to assist political subdivisions where unforeseen events have occurred or may occur after a major economic development project has placed an undue and unexpected burden on local taxpayers and the local political subdivisions; 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-fifth Legislative Assembly.

Filed March 15, 1995

CHAPTER 692**SENATE CONCURRENT RESOLUTION NO. 4025**

(Senators Tomac, St. Aubyn)

(Representatives Byerly, Sitz)

COMPUTER DATA ACCESS STUDY

A concurrent resolution directing the Legislative Council to study access to computer data bases or electronically filed or stored information by state agencies.

WHEREAS, large volumes of public information are stored electronically and on computer data bases by the various state agencies; and

WHEREAS, there is no uniform method or procedure through which that information may be accessed; and

WHEREAS, several states have implemented or are in the process of implementing centralized procedures through which access may be provided to public information through on-line services;

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 establishing a centralized procedure through which access may be provided to any computer data base or electronically filed or stored information maintained by state agencies, including the feasibility and desirability of contracting with a nongovernmental entity to collect and disseminate public information through on-line services; and

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

Filed March 24, 1995

CHAPTER 693**SENATE CONCURRENT RESOLUTION NO. 4026**

(Senators Thane, Lips)
(Representative Stenehjem)

STATE MILL AND ELEVATOR STUDY

A concurrent resolution directing the Legislative Council to study the present and future role of the State Mill and Elevator.

WHEREAS, the State Mill and Elevator was statutorily created in 1919 to encourage and promote agriculture, commerce, and industry in this state; and

WHEREAS, the State Mill and Elevator has witnessed an industry progression ranging from localized agricultural endeavors to competition in a global environment; and

WHEREAS, although profits from the State Mill and Elevator have traditionally been transferred to the general fund to support this state and its programs, changes in the industry may require substantial capital investments to return the enterprise to profitability; and

WHEREAS, there is a need to review available alternatives for the future use of the State Mill and Elevator to determine which alternative best serves the interests of 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 present and future role of the State Mill and Elevator in the state and on the international agricultural scene, including an evaluation of current operations and the future revenue generating potential of the State Mill and Elevator; and

BE IT FURTHER RESOLVED, that the Legislative Council study available alternatives for the State Mill and Elevator, including the possibility of divestiture of the state's interest in the enterprise; 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-fifth Legislative Assembly.

Filed April 10, 1995

CHAPTER 694**SENATE CONCURRENT RESOLUTION NO. 4027**

(Senators G. Nelson, Freborg)

**PERSONAL COMPUTER USE BY STATE AGENCIES
STUDY**

A concurrent resolution directing the Legislative Council to study the operation of and services provided by the Information Services Division, the use and proliferation of personal computers throughout state government, and the feasibility and desirability of contracting for data processing services.

WHEREAS, the Information Services Division was established in 1969 to design and implement data processing services for most state agencies; and

WHEREAS, technological changes over the last 25 years require a review of the Information Services Division, the role of the division in providing data processing services to state agencies, and whether there may be a more efficient and appropriate method of providing state agencies with the support needed to maintain and improve their use of computers; and

WHEREAS, the use of personal computers by state agencies has increased significantly in recent years; and

WHEREAS, technological advances in personal computers are continuing at a rapid pace and the effect of those advances on the customary practices of state agencies is not known; and

WHEREAS, the use of personal computers by state agencies may impact the role and operation of the Information Services Division and the coordination of computer services throughout state government;

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

That the Legislative Council study the operation of and services provided by the Information Services Division, the use and proliferation of personal computers throughout state government, and the feasibility and desirability of contracting for data processing services; and

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

Filed March 20, 1995

CHAPTER 695**SENATE CONCURRENT RESOLUTION NO. 4029**

(Senator Freborg)

(Representatives Delzer, Grosz)

**FORT MANDAN DESIGNATED LEWIS AND CLARK
BICENTENNIAL PROJECT**

A concurrent resolution designating Fort Mandan and its visitor center as North Dakota's official Lewis and Clark Bicentennial Project.

WHEREAS, the Lewis and Clark expedition spent from November 2, 1804, until April 7, 1805, in winter camp at Fort Mandan along the Missouri River west of present-day Washburn; and

WHEREAS, the winter spent at Fort Mandan was the longest time spent at any one site by the Lewis and Clark party during their entire 1804-1806 journey; and

WHEREAS, the bicentennial of the Lewis and Clark expedition will be observed during the years 2004 through 2006, with plans underway in many locales for celebrations, erection of monuments, construction of visitor centers, as well as other projects from St. Louis to the Pacific Ocean; and

WHEREAS, plans are underway at Fort Mandan for a major upgrading of the site, including construction of a new interpretive center, worthy of being the centerpiece of the Lewis and Clark Trail; and

WHEREAS, a statue is planned to commemorate the interaction between the members of the Lewis and Clark expedition and the Native Americans who resided near Fort Mandan at the time of the expedition; and

WHEREAS, designation of Fort Mandan and its visitor center as North Dakota's official Lewis and Clark Bicentennial Project would be a fitting contribution to the national observance of the bicentennial of the Lewis and Clark expedition which will be celebrated in the years 2004 through 2006;

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

That the Fifty-fourth Legislative Assembly designates Fort Mandan and its visitor center as North Dakota's official Lewis and Clark Bicentennial Project.

Filed March 20, 1995

CHAPTER 696**SENATE CONCURRENT RESOLUTION NO. 4030**

(Senators DeMers, Lee, Mushik)
(Representatives Rydell, Svedjan, Wentz)

ALZHEIMER'S PATIENT CARE STUDY

A concurrent resolution directing the Legislative Council to study the continuum of care for North Dakotans with Alzheimer's and related dementias and the needs of caregivers and families of patients with Alzheimer's and related dementias.

WHEREAS, Alzheimer's and related dementias are the fourth leading cause of death in the United States; and

WHEREAS, based on census data, the estimated prevalence of Alzheimer's and related dementias in North Dakota for 1995 is 7,428 people, a number that is expected to increase to 7,756 people by the year 2000; and

WHEREAS, no prevalence estimates exist for the American Indian population; and

WHEREAS, the life expectancy of the population is increasing, the size of the oldest group is increasing most rapidly, and a higher incidence of Alzheimer's and related dementias is found in the oldest populations; and

WHEREAS, the needs of the population with Alzheimer's and related dementias differ from the needs of the typical nursing home population; and

WHEREAS, adult day care is undeveloped for the Alzheimer's and related dementia populations; and

WHEREAS, patients with Alzheimer's and related dementias and their families have special needs that are not being met in this state; and

WHEREAS, the state has put restrictions on the construction of new nursing home beds; and

WHEREAS, families of patients with Alzheimer's and related dementias believe these restrictions are a deterrent to establishing special care units for people with Alzheimer's and related dementias;

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

That the Legislative Council study the continuum of care for North Dakotans with Alzheimer's and related dementias, including nursing home care, assisted living services, home and community-based services, and study the needs of the caregivers and families of patients with Alzheimer's and related dementias and the education of professionals and laypersons about Alzheimer's and related dementias; 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-fifth Legislative Assembly.

Filed March 20, 1995

CHAPTER 697**SENATE CONCURRENT RESOLUTION NO. 4031**

(Senators Traynor, Langley, Streibel)
(Representatives Johnson, Kunkel, Nicholas)

**DEVILS LAKE FLOOD EMERGENCY DECLARATION
URGED**

A concurrent resolution urging the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and to recognize the impending flood disaster facing property owners adjacent to Devils Lake.

WHEREAS, the high precipitation experienced in the Devils Lake basin the past two years has caused millions of dollars in flood damage to roads, bridges, culverts, cropland, homes, businesses, and other public facilities in the Devils Lake basin; and

WHEREAS, most of the runoff from the 3,800-square-mile Devils Lake drainage basin ultimately finds its way into Devils Lake and has caused the lake to rise eight and one-half feet during the past 18 months; and

WHEREAS, the water level of Devils Lake has been on a general rise since 1940 reaching an elevation of 1430.9 mean sea level on January 1, 1995, a level almost three and one-half feet above flood stage, currently causing an estimated \$1.2 million in damage to roads, homes, cabins, agricultural land, and public facilities adjacent to the lake; and

WHEREAS, the State Engineer has forecast that, with normal spring runoff, Devils Lake may rise an additional one and one-half feet in 1995, causing flood damage in excess of \$10 million; and

WHEREAS, a \$30 million to \$40 million sport fishery of national acclaim has been developed at Devils Lake and will be seriously threatened if water elevation falls to around 1422 mean sea level as it did in early 1993; and

WHEREAS, economic losses of this magnitude due to either devastation of the Devils Lake sport fishery from low water levels or as a result of flooding from high runoff will have a significant negative effect on the entire region and the state; and

WHEREAS, research has shown that Devils Lake water levels can vary widely, with the lake sometimes going completely dry to times when the lake level exceeds an elevation of 1457 mean sea level, the overflow level into the Sheyenne River;

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

That the Fifty-fourth Legislative Assembly urges the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and to recognize the impending flood disaster facing property owners adjacent to Devils Lake; and

BE IT FURTHER RESOLVED, that the Legislative Assembly supports all efforts to stabilize water levels at Devils Lake and urges the Governor to exercise any appropriate disaster relief measures under North Dakota Century Code Chapter 37-17.1; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, the State Engineer, and to each member of the State Water Commission.

Filed March 20, 1995

CHAPTER 698**SENATE CONCURRENT RESOLUTION NO. 4032**

(Senators G. Nelson, Mushik)

LIBRARY SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems to determine if the citizens of this state have access to essential library services that are delivered efficiently.

WHEREAS, the education of our children and the continuing education of our adults are dependent upon the quality of the libraries and the materials available to them; and

WHEREAS, the system of libraries developed over the years should be reviewed to determine if improvements and efficiencies can be achieved; and

WHEREAS, technological advancements on a statewide, national, and international level are redefining both the scope of and access to libraries and library materials;

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

That the Legislative Council study the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems such as ODIN, to determine if the citizens of this state have access to essential library services and whether improvements and efficiencies in the delivery of those services can be achieved; 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-fifth Legislative Assembly.

Filed March 15, 1995

CHAPTER 699**SENATE CONCURRENT RESOLUTION NO. 4033**

(Senators Wogsland, G. Nelson)
(Representatives Dorso, Oban)

WATER DEVELOPMENT STUDY

A concurrent resolution directing the Legislative Council to study the financing and funding needs for development and completion of the state's water resources infrastructure and methods for development of a program to provide financing and funding of water supply facilities in this state.

WHEREAS, the Missouri River and Lake Sakakawea provide a vast water resource for the state; and

WHEREAS, in order to realize the potential benefits of this resource, a distribution system is necessary to distribute water to all portions of the state; and

WHEREAS, North Dakota also possesses significant ground water resources; and

WHEREAS, the surest way to guarantee a right to water resources is to put these water resources to a beneficial use; and

WHEREAS, many areas within the state do not have an adequate supply or adequate quality of water for multipurpose uses; and

WHEREAS, an adequate water supply for municipal, domestic, livestock, rural, irrigation, industrial, and other uses is essential for the social stability and economic security of the people of the state; and

WHEREAS, the Legislative Assembly has previously declared a state water resources policy, which provides in part that the public health, safety, and general welfare, including the enhancement of opportunities for social and economic growth and expansion of all of the people of the state, depend in large measure upon the optimum protection, management, and wise utilization of all of the water and related land resources of the state; and

WHEREAS, development of the water resources of the state is a capital investment for future generations of North Dakotans; and

WHEREAS, development of programs and projects to meet current and future water needs for the benefit of the citizens of the state is a matter of concern and high priority; and

WHEREAS, the state water resources policy also provides that adequate implementation of such plans and programs must be provided by the state through cost-sharing and cooperative participation with the appropriate federal and state departments and agencies and political subdivisions within the limitation of budgetary requirements and administrative capabilities; and

WHEREAS, local water resource districts and joint water resource boards provide an existing effective method and structure through which required assurances for local cooperation, support, and cost-sharing may be provided; and

WHEREAS, state and local organizational structure, planning, and support are necessary ingredients to provide for the development of the state's water resources; and

WHEREAS, there is a need to establish a financing method to assist the citizens of the state in satisfying critical needs for water facilities and programs now and in the future; and

WHEREAS, many other states have established aggressive programs and have committed substantial funds for the development of their water resources for beneficial uses for their citizens; and

WHEREAS, the Legislative Assembly has established the resources trust fund to be used for the planning and construction of water supply facilities;

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

That the Legislative Council study the financing and funding needs for development and completion of the state's water resources infrastructure and methods for development of a program to provide financing and funding of water supply facilities in this state; and

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

Filed March 20, 1995

CHAPTER 700**SENATE CONCURRENT RESOLUTION NO. 4034**

(Senators Wogsland, Langley, Streibel, Traynor)

(Representative Laughlin)

DEVILS LAKE FLOOD EMERGENCY URGED

A concurrent resolution urging the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and urging the Governor to mobilize the National Guard to combat the flood emergency developing in the Devils Lake basin.

WHEREAS, the high precipitation experienced in the Devils Lake basin the past two years has caused millions of dollars in flood damage to roads, bridges, culverts, cropland, homes, businesses, and other public facilities in the Devils Lake basin; and

WHEREAS, most of the runoff from the 3,800-square-mile Devils Lake drainage basin ultimately finds its way into Devils Lake and has caused the lake to rise eight and one-half feet during the past 18 months; and

WHEREAS, the water level of Devils Lake has been on a general rise since 1940 reaching an elevation of 1430.9 mean sea level on January 1, 1995, a level almost three and one-half feet above flood stage currently causing an estimated \$1.2 million in damage to roads, homes, cabins, agricultural land, and public facilities adjacent to the lake; and

WHEREAS, the State Engineer has forecast that, with normal spring runoff, Devils Lake may rise an additional one and one-half feet in 1995 causing flood damage in excess of \$10 million; and

WHEREAS, research has shown that Devils Lake water levels can vary widely with the lake sometimes going completely dry to times when the lake level exceeds an elevation of 1457 mean sea level, the overflow level into the Sheyenne River;

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

That the Fifty-fourth Legislative Assembly urges the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and to mobilize the National Guard to combat the flood emergency developing in the Devils Lake basin; and

BE IT FURTHER RESOLVED, that upon mobilization the National Guard construct a canal or other appropriate feature from Devils Lake to the Stump Lake system and from the Stump Lake system to the Sheyenne River to alleviate flooding in the Devils Lake basin; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, the Adjutant General, the State Engineer, and to each member of the State Water Commission.

Filed March 28, 1995

CHAPTER 701

SENATE CONCURRENT RESOLUTION NO. 4039

(Senators Mushik, Krauter)
(Representatives Jacobs, Kerzman)

LARRY WOIWODE DESIGNATED POET LAUREATE

A concurrent resolution designating Larry Woiwode as Poet Laureate of North Dakota.

WHEREAS, Corbin A. Waldron was designated as Poet Laureate of the State of North Dakota by the Thirty-fifth Legislative Assembly and served with honor and distinction in that capacity until his death in April 1978; and

WHEREAS, Henry R. Martinson and Lydia O. Jackson were designated Associate Poet Laureates of the State of North Dakota by the Forty-fourth Legislative Assembly; and

WHEREAS, Henry R. Martinson, who honorably served this state through his contributions to the political and economic life of North Dakota and through his service as Deputy Commissioner of Labor for many years, died in November 1981; and

WHEREAS, Lydia O. Jackson, who was a teacher, wife, and mother, highly respected and beloved poet, lifelong resident of Walsh County, and was designated as Poet Laureate of the State of North Dakota by the Forty-sixth Legislative Assembly and served with honor and distinction in that capacity until her death in April 1984; and

WHEREAS, Larry Woiwode, who was born in 1942 in North Dakota and lived in Sykeston until the age of eight when his family moved to Illinois, began writing poetry as a high school student and had some of those early poems chosen for inclusion in the National Anthology of High School Poetry, published by the National Poetry Association; and

WHEREAS, Larry Woiwode, who was educated at the University of Illinois at Urbana, twice received the Leah Trelease Memorial Award from the University of Illinois: first, for poems, and second, for a verse play, Midnight; and

WHEREAS, Larry Woiwode continued his writing career in New York City, became a college professor, served as director of the Creative Writing Program at the State University of New York-Binghamton, Writer in Residence at the University of Wisconsin-Madison, conducted writing seminars and workshops across the United States, and returned to his home state in 1978 with his wife, Carole, and their four children to operate a farm and ranch near Mott, where he continues to write; and

WHEREAS, Larry Woiwode has published the novels Beyond the Bedroom Wall, Poppa John, Born Brothers, Indian Affairs, and What I'm Going to Do, I Think; two collections of short fiction, The Neumiller Stories and Silent Passengers; a biblical commentary, Acts, and two books of poetry, Even Tide and Poetry North: Five Poets of North Dakota; and

WHEREAS, Larry Woiwode's poetry and fiction has been published in Antaeus, Atlantic, Harper's, The New Yorker, Partisan Review, Transatlantic Review, New York Times, and many other publications; his poems have been anthologized in texts such as Here and Now, II, Western Wind: An Introduction to Poetry (1st edition), North Dakota's Literary Heritage, and A Galaxy of Verse; and

WHEREAS, Larry Woiwode's books have received the William Faulkner Foundation Award, the Friends of American Writers Award, Cornerstone Best Book of the Year, and the LSU/Southern Review award for short fiction, and his book, Beyond the Bedroom Wall, which is set in North Dakota, was a nominee for both the National Book Award and the National Book Critic's Circle Award; and

WHEREAS, Larry Woiwode has been a Fellow of the McDowell Colony, a Fellow of the John Simon Guggenheim Memorial Foundation (1971-72), during the tenure of which his poems were published in The Atlantic, The New Yorker, and Sumac; was awarded the John Dos Passos Award for a distinguished body of work, including poetry, in 1991, and was the recipient of an award in literature from the American Academy and Institute of Arts and Letters; is listed in Who's Who International, Contemporary Authors: Dictionary of Literary Biography, Current Biography, The Harper Handbook to Literature, Contemporary Literary Criticism, and The Directory of American Poets and Fiction Writers; and

WHEREAS, Larry Woiwode served on the executive board of Poets, Essayists, and Novelists (PEN) in the 1970s, has been a member of Poets and Writers since 1971, and the Chrysostym Society since 1988; and

WHEREAS, Larry Woiwode has been recognized by the citizens of North Dakota for his talent and accomplishments as a writer and for his outstanding contributions to the State of North Dakota as a native son who interprets the culture, landscape, and people of this state to the world through his poetry and fiction, with the award of an honorary Doctor of Letters from North Dakota State University (1977) and initiation into the Roughrider Hall of Fame, North Dakota's highest honor (1992), at which time Governor George Sinner read Larry Woiwode's best known poem, "Crystals from North Dakota";

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

That Larry Woiwode of rural Mott, North Dakota, is designated and shall serve as Poet Laureate of North Dakota until a successor is named by the Legislative Assembly; and

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

Filed March 15, 1995

CHAPTER 702**SENATE CONCURRENT RESOLUTION NO. 4040**

(Senators Tomac, Freborg, Mushik, Yockim)
(Representatives Coats, Freier)

MISSOURI RIVER MASTER MANUAL REVISION

A concurrent resolution urging the United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan project.

WHEREAS, the Flood Control Act of 1944, as amended, assured benefits to all ten states within the Missouri River basin under a control and management program that came to be commonly known as the Pick-Sloan project; and

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

WHEREAS, the Pick-Sloan project provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska, Missouri, and Kansas through construction of large reservoirs in states lying upstream from these states, and by channelizing the Missouri River from Sioux City, Iowa to St. Louis, Missouri at federal expense; and

WHEREAS, the Pick-Sloan project reservoirs have been in place for many years, thus providing the downstream states in the Missouri River basin all of the benefits promised in the Pick-Sloan project; and

WHEREAS, construction of facilities under the Pick-Sloan project has, to date, resulted in \$4.9 billion of flood protection to downstream interests and has allowed these downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

WHEREAS, under the Pick-Sloan project, North Dakota has sacrificed over 550,000 acres of land, which has meant the permanent loss of 2,641 jobs, \$45 million of annual personal income, and \$131 million of annual gross business volume; and

WHEREAS, the United States Army Corps of Engineers is now in the process of revising its master manual for the operation of the entire Pick-Sloan project in future years; and

WHEREAS, the construction of the Pick-Sloan project has divided the Missouri River in North Dakota into four distinct regions, namely, the Missouri River reach above Williston, Lake Sakakawea, the Missouri River reach from Garrison Dam to the headwaters of Lake Oahe, and Lake Oahe; and

WHEREAS, as the recreation industry on the Missouri River mainstem in North Dakota, which has developed into a \$67 million per year industry, suffered

severely when the United States Army Corps of Engineers allowed lake levels to drop drastically during the drought of the late 1980s and the early 1990s; and

WHEREAS, the United States Army Corps of Engineers, in its new proposed operation plan called the Missouri River Master Manual Preferred Alternative, is planning to allow Lake Sakakawea to drop to 1,775 feet msl and Lake Oahe to 1,540 feet msl, in future drought years, thereby again severely damaging the recreation industry; and

WHEREAS, the river banks in the Garrison Dam to Oahe Reservoir reach consist of ancient floodplain deposits that have been and will be severely eroded with great loss of valuable land whenever high water flows are released from Garrison Dam; and

WHEREAS, the irrigators, fishermen, boaters, industrial and municipal water intakes, dredged channels, and marinas have all utilized the moderate summer river levels of the Garrison to Oahe reach both before and after the construction of the Garrison Dam; and

WHEREAS, the United States Army Corps of Engineers in its proposed master manual is proposing high spring releases every third year and these releases will cause severe bank erosion and loss of much valuable land; and

WHEREAS, the United States Army Corps of Engineers is also proposing very low water releases during the summer to allow endangered shore birds to nest which will seriously affect many irrigators, recreation users, water intakes, dredged channels, and marinas;

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

That the Fifty-fourth Legislative Assembly requests the United States Army Corps of Engineers to respect the large sacrifice North Dakota has made so the Pick-Sloan project could be built; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its new master manual, provide for Lake Sakakawea minimum levels of at least 1,802 feet msl, and Lake Oahe levels of at least 1,569 feet msl, so that North Dakota's flourishing recreation industry may continue to operate; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its master manual, carefully examine the proposed high and very high spring water releases on the free flowing reaches of the Missouri River, and minimize impacts to the unnecessary loss of valuable land and the increase in flood damages; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its master manual, continue the moderate summer "irrigation and recreation releases" that have been highly satisfactory to the river users of this reach; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers more evenly balance the needs of endangered species in the upper Missouri River basin with the requirements for water supply and recreation, and flood control in the free flowing stretches of the Missouri River; and

BE IT FURTHER RESOLVED, that Governor Schafer, Senator Conrad, Senator Dorgan, Representative Pomeroy, the state engineer and staff, director of the Game and Fish Department and staff, and many others be commended for their efforts to date and are urged to continue to work diligently at the local and national levels to influence the United States Army Corps of Engineers to adopt a master manual for the future operation of the Missouri River that is acceptable to all areas of the Missouri River in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Division Commander of the Missouri River Division of the United States Army Corps of Engineers in order to be part of the public record for the Missouri River Master Manual Draft Environmental Impact Statement; the Secretary of the Army; the Secretary of the Interior; the District Engineer, Omaha District, United States Army Corps of Engineers; the Governor, each member of the State Water Commission; and each member of the North Dakota, South Dakota, Wyoming, and Montana Congressional Delegations.

Filed March 20, 1995

CHAPTER 703**SENATE CONCURRENT RESOLUTION NO. 4041**

(Senators Tomac, Freborg, Mushik, Yockim)
(Representatives Coats, Freier)

MISSOURI RIVER BANK PROTECTION

A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan project dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

WHEREAS, the Flood Control Act of 1944, as amended, assured benefits to all ten states within the Missouri River basin under a control and management program that came to be commonly known as the Pick-Sloan project; and

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

WHEREAS, the Pick-Sloan project provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point, and by channelizing the Missouri River from Sioux City, Iowa to St. Louis, Missouri, at federal expense; and

WHEREAS, the Pick-Sloan project reservoirs have been in place for many years, thus providing the downstream states in the Missouri River basin all of the benefits promised in the Pick-Sloan project; and

WHEREAS, construction of facilities under the Pick-Sloan project has, to date, resulted in \$4.9 billion of flood protection to downstream interests and has allowed these downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

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

WHEREAS, under the Pick-Sloan project, North Dakota has sacrificed over 550,000 acres of land, which has meant the permanent loss of 2,641 jobs, \$45 million of annual personal income, and \$131 million of annual gross business volume; and

WHEREAS, almost two-thirds of the inexpensive hydroelectric power generated by Garrison Dam in North Dakota which was built pursuant to the Pick-Sloan project is used in states other than North Dakota; and

WHEREAS, the United States Army Corps of Engineers stated in its final report to Congress dated December 1981 concerning the Missouri River streambank erosion that "bank erosion in this reach results in a permanent net loss of high value

lands. This process, unless halted, would eventually transform the present river into a wide area of sandbars and channels, occupying an increasing proportion of the valley width between the bluffs"; and

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

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir and Lake Sakakawea thereby causing the watertable to rise under the adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent United States Army Corps of Engineers pronouncements, endangered 6,000 acres of land containing 40 homes and valuable farmland around Lake Oahe, and in the headwaters area of Lake Sakakawea, the delta is endangering the Buford-Trenton irrigation district, is endangering the water intake for the city of Williston, and many acres of valuable farmland; and

WHEREAS, a similar bank erosion problem exists for a 58-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also between Fort Peck Dam in Montana and Lake Sakakawea; and

WHEREAS, destructive bank erosion continues when high winter water releases for power generation occur; and

WHEREAS, Section 33 of the Water Resource Development Act of 1988 amended the Flood Control Act of 1944 and directed the Secretary of the Army to undertake measures that the Secretary of the Army determines are needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River between Fort Peck Dam in Montana and a point 58 miles downstream of the Gavins Point Dam on the South Dakota-Nebraska border; and

WHEREAS, at the request of Congress, a 1988 General Accounting Office study agreed that since the closure of the Garrison Dam accretion no longer occurs and a net loss of land results and the study also identified one option of funding bank stabilization projects as allocating these costs, whether economically justifiable or not, to Pick-Sloan Project purposes; and

WHEREAS, Congress appropriated \$1.5 million in fiscal year 1992 and \$1.5 million in fiscal year 1993 for the purpose of protecting the banks of the Missouri River; and

WHEREAS, the United States Army Corps of Engineers has not used any of these funds, except for maintenance of existing bank protection projects, and insists that new protection projects cannot be constructed unless a benefit cost ratio greater than one exists which is contrary to the language and intent of Section 33 of the Water Resource Development Act of 1988 and contrary to the funding criteria of many other projects the United States Army Corps of Engineers has found necessary as a completion of the Pick-Sloan project;

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

That the Fifty-fourth Legislative Assembly urges the Congress of the United States to assume responsibility for the protection of lands endangered below all Pick-Sloan project dams by the operation of the Pick-Sloan project; and

BE IT FURTHER RESOLVED, that Congress is urged to continue a program of annually appropriating funds to repair existing bank protection projects now in danger of failure and to begin to construct bank protection projects in the most critical locations; and

BE IT FURTHER RESOLVED, that Senator Kent Conrad, Senator Byron Dorgan, and Congressman Earl Pomeroy are urged to work diligently with the Senators and Congressmen of the states of Montana, South Dakota, and Nebraska to secure appropriations of these necessary funds; and

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

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers be urged to initiate a program to construct bank protection structures along the Missouri River between Fort Peck and a point 58 miles downstream of Gavins Point Dam, as directed by Section 33 of the Water Resource Development Act of 1988; and

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

Filed March 16, 1995

CHAPTER 704**SENATE CONCURRENT RESOLUTION NO. 4043**

(Senators Tennesfos, G. Nelson, Redlin)
(Representatives Dorso, Gorman)

INDIAN CASINO GAMING ISSUES ADDRESSED

A concurrent resolution urging the North Dakota Congressional Delegation to address issues related to Indian casino gaming.

WHEREAS, Indian gaming is authorized by the federal Indian Gaming Regulatory Act of 1988; and

WHEREAS, one of the purposes of the federal Indian Gaming Regulatory Act of 1988 is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and

WHEREAS, in compliance with the Indian Gaming Regulatory Act of 1988, the state has executed five tribal-state compacts with the tribes of this state; and

WHEREAS, the state is facing complex legal, social, and economic challenges with the appearance of casino gaming and other high-stakes gaming on Indian lands in the state; and

WHEREAS, the Legislative Assembly is uncertain about the future of Indian gaming and its possible expansion in the state; and

WHEREAS, the Legislative Assembly believes the federal government has the broad responsibility to ensure that Indian gaming activities within the state are in the best interests of both the state and the Indian tribes;

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

That the Fifty-fourth Legislative Assembly urges the North Dakota Congressional Delegation to address the complex legal issues related to the federal Indian Gaming Regulatory Act of 1988, including the positive and negative impacts of Indian gaming on the state and tribes; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to each member of the North Dakota Congressional Delegation, the Majority and Minority leaders of the United States House of Representatives and the United States Senate, and all Tribal Chairmen in North Dakota.

Filed March 28, 1995

CHAPTER 705**SENATE CONCURRENT RESOLUTION NO. 4044**

(Senators Tallackson, Robinson)
(Representatives Hagle, Gerntholz, Martin)

**POWER MARKETING ADMINISTRATIONS SALE
OPPOSED**

A concurrent resolution urging the President and the Congress to reject any proposal to sell any of the power marketing administrations or otherwise dispose of their assets.

WHEREAS, the Western Area Power Administration is one of five power marketing administrations that markets hydroelectric power from dams along the Missouri River and other river systems in the western United States; and

WHEREAS, hydroelectric power produced by the power marketing administrations is a key component of supplying electricity for North Dakota's rural electric cooperatives, municipal utilities, state institutions, and federal installations located in North Dakota; and

WHEREAS, hydroelectric power is marketed to these customers at cost-base rates that fully repay the federal government's cost of investment as well as interest, operation, and maintenance expenses; and

WHEREAS, hydroelectric power helps North Dakota's farmers, ranchers, small businesses, cities, and state institutions to keep expenses for electricity lower than they otherwise might be; and

WHEREAS, proposals brought forth at the federal level have suggested that sale of the power marketing administrations is one method to raise funds to reduce the federal deficit; and

WHEREAS, these proposals are receiving serious consideration by the Administration and the Congress; and

WHEREAS, the sale of hydropower assets would threaten consumer-owned utilities, state institutions, and federal installations with uncertainty of supply and significantly increase wholesale power costs; and

WHEREAS, any sale would undermine the economic stability of the state's consumer-owned utility customers, state institutions, and federal installations located in this state; and

WHEREAS, any sale would renege on the existing multiuse concept of the Pick-Sloan plan for the Missouri River basin; and

WHEREAS, any sale would impede the efficient operation of federal multipurpose water projects that provide flood control protection and water for irrigation, domestic use, and recreation purposes; and

WHEREAS, the Legislative Assembly is strongly opposed to the sale, transfer, exchange, lease, or other disposition of federal power marketing administrations or the power plants or related facilities used for the production and transmission of electricity;

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

That the Fifty-fourth Legislative Assembly urges the President and the Congress of the United States to reject any proposal to sell any of the power marketing administrations or otherwise dispose of their assets; and

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

Filed March 16, 1995

CHAPTER 706**SENATE CONCURRENT RESOLUTION NO. 4045**

(Senators Wogsland, Kelsh, Tomac)
(Representative Sitz)

BLACKBIRD DEPREDATION STUDY

A concurrent resolution directing the Legislative Council to study the effects of blackbirds on agricultural crop production, the level of depredation in the state, and the short-term and long-term effects of continued depredation on the species, the environment, and rural North Dakota in general.

WHEREAS, the ownership of and title to all wildlife in the state is statutorily placed with the state; and

WHEREAS, "wildlife" includes any migratory, nonmigratory, or endangered bird and therefore includes a blackbird; and

WHEREAS, a blackbird is defined as a harmful wild bird; and

WHEREAS, it is statutorily permitted to kill any harmful wild bird in this state during daylight hours;

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

That the Legislative Council study the effects of blackbirds on agricultural crop production, the level of blackbird depredation in the state, and the short-term and long-term effects of continued blackbird depredation on the species, the environment, and rural North Dakota in general; and

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

Filed March 24, 1995

CHAPTER 707**SENATE CONCURRENT RESOLUTION NO. 4046**

(Senators Watne, LaFountain)

GAMBLING ADDICTION SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing, in cooperation with tribal governments, gambling addiction treatment and counseling services to state residents.

WHEREAS, a survey conducted by the Department of Human Services indicated that at least 4,500 adults in the state are experiencing moderate to severe problems related to their gambling; and

WHEREAS, a survey conducted by the Department of Human Services indicated that 12.3 percent of adult American Indians may be experiencing moderate to severe problems related to their gambling; and

WHEREAS, North Dakota is experiencing a shortage of gambling addiction counselors; and

WHEREAS, a question exists regarding appropriate guidelines for the provision of gambling addiction services; and

WHEREAS, there is a question as to whether gambling addiction treatment is a state responsibility; and

WHEREAS, a portion of gaming proceeds could be committed to the training of gambling addiction counselors and for providing gambling addiction treatment and counseling; and

WHEREAS, the North Dakota Council on Compulsive Gambling, whose purposes are education, research, crisis prevention, and rehabilitation in connection with gambling problems, may be a vehicle for providing assistance and guidance in the implementation of gambling addiction services;

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, in cooperation with tribal governments, gambling addiction treatment and counseling services to state residents; 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-fifth Legislative Assembly.

Filed April 10, 1995

CHAPTER 708**SENATE CONCURRENT RESOLUTION NO. 4047**

(Senators Holmberg, Grindberg, C. Nelson)

REFUGEE RESETTLEMENT EFFECTS STUDY

A concurrent resolution directing the Legislative Council to study refugee resettlements in the state and define and identify the net fiscal effects of refugees and other limited English proficient or language minority students on school districts and the providers of social services.

WHEREAS, various social service groups are involved in the resettlement of refugees in North Dakota and these resettlements may require the funding of social services by the federal government and other entities; and

WHEREAS, federal regulations result in most refugee resettlements taking place in the state's larger cities; and

WHEREAS, refugees resettled in the state may require social services funded by the federal government and other entities; and

WHEREAS, the children of refugees resettled in the state are placed in local schools, where they may require special language services; and

WHEREAS, even though refugee children may require special services, they usually are not designated as special needs children; and

WHEREAS, although school districts attended by the children of refugees may receive some federal grants, they do not receive sufficient additional support for the services they must provide; and

WHEREAS, school districts are attended by language minority students with limited English proficiency who require special language services; and

WHEREAS, refugees also bring skills, abilities, and economic contributions to their new communities by filling employment needs in those communities; and

WHEREAS, refugees quickly become taxpayers and consumers;

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

That the Legislative Council study refugee resettlements in the state and define and identify the net fiscal effects of refugees and other limited English proficient or language minority students on school districts and the providers of social services; and

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

Filed March 20, 1995

CHAPTER 709**SENATE CONCURRENT RESOLUTION NO. 4048**
(Senators Nething, Redlin)**TELECOMMUNICATIONS TAX POLICY STUDY**

A concurrent resolution directing the Legislative Council to study the implications of North Dakota tax policy on the telecommunications industry and to determine the need for tax reform in the telecommunications industry.

WHEREAS, telecommunications companies are assessed by the State Board of Equalization as public utilities; and

WHEREAS, changing technology and regulation in the telecommunications industry is making the current tax treatment of telecommunications companies obsolete in many states; and

WHEREAS, increasing competition in the telecommunications industry may warrant that telecommunications firms be taxed in the same manner as other businesses; and

WHEREAS, taxes on telecommunications companies may affect decisions of telecommunications consumers and investors and may influence the location of companies and industries;

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

That the Legislative Council study the implications of North Dakota tax policy on the telecommunications industry and determine the need for tax reform in the telecommunications industry; 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-fifth Legislative Assembly.

Filed March 15, 1995

CHAPTER 710**SENATE CONCURRENT RESOLUTION NO. 4049**

(Senators Tomac, W. Stenehjem)
(Representatives Boehm, Svedjan)

CHILD SUPPORT STUDY

A concurrent resolution directing the Legislative Council to study issues relating to child support.

WHEREAS, federal law requires states to establish, by legislative, judicial, or administrative action, guidelines for child support awards; and

WHEREAS, North Dakota law provides that the Department of Human Services is responsible for adopting guidelines for child support awards; and

WHEREAS, federal regulations require a periodic review of child support guidelines; and

WHEREAS, the Department of Human Services has adopted new child support guidelines that were effective January 1, 1995; and

WHEREAS, concerns have been expressed that there are inequities in the guidelines; and

WHEREAS, there may be alternatives that could improve the cost effectiveness and efficiency of the Department of Human Services child support collection system; and

WHEREAS, child support issues often involve multiple families and multiple support obligations;

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

That the Legislative Council study issues relating to child support, including the guidelines that became effective January 1, 1995, methods to improve the cost effectiveness and efficiency of the Department of Human Services child support collection system, and the actual costs of raising children; and analyze case data on the application of, and deviations from, the guidelines to ensure that deviations from the guidelines are limited; 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-fifth Legislative Assembly.

Filed April 10, 1995

CHAPTER 711**SENATE CONCURRENT RESOLUTION NO. 4050**
(Senator Nething)**TOURISM, ARTS, AND HISTORICAL SOCIETY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing measures to facilitate and encourage the Tourism Department, the Council on the Arts, and the State Historical Society of North Dakota to work together and to develop jointly new and innovative products.

WHEREAS, the Tourism Department is designed to foster and promote tourism to, and within, this state and full development of the state's tourism resources, and to serve as a planning and coordinating agency for tourism-related programs of this state and the state's political subdivisions; and

WHEREAS, the Council on the Arts is designed to promote theater, music, opera, dance, fine and performing arts, fairs, festivals, and the preservation of folk arts; and

WHEREAS, the State Historical Society of North Dakota is designed to hold the present and future historical collections and property for the state; and

WHEREAS, some aspects of the missions of the Tourism Department, the Council on the Arts, and the State Historical Society of North Dakota are similar and the three agencies may complement one another and may develop new and innovative products by working together cooperatively and jointly; and

WHEREAS, there may be a more efficient and effective use of public funds if a mechanism is found to encourage the three agencies to work together to develop joint products, but care must be taken to ensure that the separate funding sources of the three agencies are protected;

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 implementing measures to facilitate and encourage the Tourism Department, the Council on the Arts, and the State Historical Society of North Dakota to work together and to develop jointly new and innovative products; 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-fifth Legislative Assembly.

Filed March 20, 1995

CHAPTER 712**SENATE CONCURRENT RESOLUTION NO. 4051****(Senator Tennesfos)****IRRIGATED AGRICULTURAL LAND ASSESSMENT
STUDY**

A concurrent resolution directing the Legislative Council to study property tax assessment for irrigated and nonirrigated agricultural land.

WHEREAS, the valuation of agricultural land for ad valorem property tax assessment is based on the agricultural productivity of each county; and

WHEREAS, irrigation increases the production of agricultural products in a county which increases the average agricultural property valuation for the entire county; and

WHEREAS, when land that is irrigated has valuation equal to valuation of similar nonirrigated land, a perception of assessment inequality exists because of the differences in agricultural production; and

WHEREAS, when land that is irrigated has valuation that is higher than the valuation of similar nonirrigated land, a perception of assessment inequality exists because the only difference is the presence of an exempt well and irrigation equipment;

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

That the Legislative Council study property tax assessment for irrigated and nonirrigated agricultural land, with emphasis on determining an equitable means of valuation for irrigated land and nonirrigated land that is capable of being irrigated; 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-fifth Legislative Assembly.

Filed March 15, 1995

CHAPTER 713**SENATE CONCURRENT RESOLUTION NO. 4052**
(Appropriations Committee)**HIGHER EDUCATION CONSTRUCTION STUDY**

A concurrent resolution directing the Legislative Council to study the capital repair, maintenance, and construction requirements of institutions under the State Board of Higher Education.

WHEREAS, the physical plant facilities are aging at the institutions under the State Board of Higher Education; and

WHEREAS, during the 1993-95 biennium the State Board of Higher Education directed all University System campuses to complete facility master plans, including an analysis of facility repairs and maintenance requirements; and

WHEREAS, the physical plant valuation of the University System campuses exceeds \$700 million; and

WHEREAS, it is necessary to repair facilities for compliance with health and safety requirements; and

WHEREAS, the Americans with Disabilities Act requires significant renovations of campus facilities; and

WHEREAS, campus facilities should be technologically accessible; and

WHEREAS, the Legislative Assembly should periodically review the condition of physical facilities of the University System campuses;

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

That the Legislative Council study the capital repair, maintenance, and construction requirements of the institutions under the State Board of Higher Education and methods of financing; 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-fifth Legislative Assembly.

Filed March 20, 1995

CHAPTER 714**SENATE CONCURRENT RESOLUTION NO. 4053**

(Senators Naaden, Streibel, Urlacher)

(Representatives Freier, Kretschmar)

WATER LAWS STUDY

A concurrent resolution directing the Legislative Council to study the state's water laws concerning their effect on the efficient use of water and their effect on the holders of senior water rights.

WHEREAS, North Dakota has adopted the doctrine of prior appropriation for the acquisition of water rights in this state; and

WHEREAS, under this doctrine, the person that is the first in time to appropriate water is the first to acquire a right to that water; and

WHEREAS, North Dakota is an arid state and one of the goals of the prior appropriation doctrine is to put a scarce resource such as water to the most beneficial use possible; and

WHEREAS, in order to prevent waste and to foster and promote the efficient use of scarce resources, North Dakota law provides that a senior right to appropriate water does not include the right to prevent changes in the condition of water occurrence or to prevent a later appropriator from lowering a water table, artesian pressure, or water level if the senior appropriator can reasonably acquire water under the changed conditions; and

WHEREAS, under this law the holder of a senior water right can be required to incur expenses to enable the senior user to capture the water to which that person has a senior right;

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 water laws concerning their effect on the efficient use of water and their effect on the holders of senior water rights; 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-fifth Legislative Assembly.

Filed March 20, 1995

CHAPTER 715**SENATE CONCURRENT RESOLUTION NO. 4055**

(Senator W. Stenehjem)
(Representative Delmore)

CHILD SUPPORT ADMINISTRATIVE PROCESS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an administrative process for the enforcement of child support obligations.

WHEREAS, approximately one-third of the states have adopted administrative procedures for the enforcement of child support obligations; and

WHEREAS, an administrative enforcement process is viewed as a viable alternative to traditional judicial processes in light of cost effectiveness and the steadily increasing volume of child support cases; and

WHEREAS, as a percentage of court filings and related workload child support proceedings have steadily increased in North Dakota from 39 percent in 1989 to nearly 48 percent in 1993;

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 establishing an administrative process for the enforcement of child support obligations; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 716**SENATE CONCURRENT RESOLUTION NO. 4056**

(Senators Streibel, Heitkamp, Redlin, Tallackson, Traynor,
Urlacher)

WETLANDS LAWS STUDY

A concurrent resolution directing the Legislative Council to study North Dakota's wetlands laws.

WHEREAS, North Dakota is located in the center of the prairie pothole region, containing most of the remaining wetlands in the prairie pothole region of the United States; and

WHEREAS, the Legislative Assembly finds that extensive acres of land in North Dakota are covered by easements held by the United States Fish and Wildlife Service for which farmers have been paid to not drain, fill, or burn these wetlands; and

WHEREAS, the Legislative Assembly declares that a policy must be developed concerning the amount of wetlands that exist in North Dakota, the amount of wetlands under federal or state government ownership, the location of North Dakota's remaining wetlands, the amount of wetlands that should be preserved in public or private ownership in North Dakota, the manner in which wetlands should be preserved if additional wetlands need to be preserved, the number of waterfowl that North Dakota produces each year, the agricultural benefits that are foreclosed if wetlands are not drained, the cost to farmers of not draining their wetlands, the impact of wetlands on water resource development in North Dakota, and other related issues; and

WHEREAS, the swampbuster provisions of the federal farm bill, Section 404 of the Clean Water Act, and federal wetlands definitions are under review and may be changed during the next session of the United States Congress; and

WHEREAS, proposed changes to North Dakota wetlands laws may be impacted or modified pending the result of proposed changes to federal wetlands laws;

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

That the Legislative Council is hereby directed and authorized to study wetlands laws in North Dakota and all of the issues related thereto; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 717**SENATE CONCURRENT RESOLUTION NO. 4057**

(Senator Bowman)

(Representatives Drovdal, Kempenich)

(Approved by the Delayed Bills Committee)

GRASSLANDS MANAGEMENT POLICY URGED

A concurrent resolution urging the United States Secretary of Agriculture to consider North Dakota's cooperative grazing associations as models for successful federal land use and to create a separate entity for the management of grasslands.

WHEREAS, the national grasslands in North Dakota extend over 1.2 million acres and support approximately 550 ranch families who belong to six cooperative grazing associations; and

WHEREAS, farming and ranching in the national grasslands contribute \$24.3 million directly to the local economies and another \$50.5 million indirectly; and

WHEREAS, the Bankhead-Jones Farm Tenant Act was enacted to promote the utilization and conservation of the national grasslands and to provide for the security of the families who live and work in the national grasslands; and

WHEREAS, the cooperative grazing associations were formed in the late 1930s to implement the goals of the federal legislation; and

WHEREAS, the family members of the cooperative grazing associations graze an average of 155 animal units for six months each year; and

WHEREAS, these national grasslands operate under a different legislative authority with a distinctly different purpose from national forests; and

WHEREAS, virtually all of the rangeland in North Dakota's national grasslands is in good condition and demonstrative of the fact that rangeland improvement and livestock management complement each other; and

WHEREAS, unwise and unjust regulations that lack sound scientific bases must be curtailed;

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

That the Fifty-fourth Legislative Assembly urges the United States Secretary of Agriculture to recognize the use and achievements of North Dakota's cooperative grazing associations and to set forth the use and achievements as models for successful federal land use; and

BE IT FURTHER RESOLVED, that the Secretary of Agriculture and Congress are urged to establish a separate entity within the United States Department of Agriculture which has staff experienced in grassland management to manage grasslands in an administrative region consisting of North Dakota, South

Dakota, Wyoming, Nebraska, Colorado, California, Idaho, Kansas, Oklahoma, Oregon, and Texas; and

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

Filed March 24, 1995

CHAPTER 718**SENATE CONCURRENT RESOLUTION NO. 4058**

(Senators Nalewaja, Mushik, St. Aubyn)
(Representatives Boucher, Gunter, Svedjan)

MENTAL HEALTH SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing out-of-home mental health services to severely emotionally disabled children without requiring the relinquishment of custody by parents.

WHEREAS, parents of severely emotionally disabled persons age 22 and younger often require access to public funds in order to provide out-of-home mental health services; and

WHEREAS, out-of-home mental health services are provided in an equal manner regarding residence of families, unrealistic time lines, and requirements of court action to receive services; and

WHEREAS, it has been documented that the need for state-appropriated funds underlies all identified solutions to this problem and the Fifty-fourth Legislative Assembly was unable to provide adequate funding to begin to address the identified solutions; and

WHEREAS, in order to obtain funds for out-of-home mental health services parents may be required to relinquish custody in favor of foster care; and

WHEREAS, if funds were appropriated to the Division of Mental Health for the provision of out-of-home mental health services parents would not have to relinquish custody;

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

That the Legislative Council determine how out-of-home mental health services to severely emotionally disabled children may be delivered throughout the state without requiring the relinquishment of custody by parents; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 719**SENATE CONCURRENT RESOLUTION NO. 4059**

(Senators Wanzek, Krebsbach, Scherber)
(Representatives Austin, Kerzman, Wald)

NONPUBLIC SCHOOL STUDY

A concurrent resolution directing the Legislative Council to study the impact of nonpublic schools on the state and the feasibility and desirability of offering assistance to the parents of nonpublic schoolchildren.

WHEREAS, there are many children enrolled in kindergarten through grade 12 in the state's nonpublic schools; and

WHEREAS, the state's nonpublic schools provide parents with an alternative to the public school system for the education of their children; and

WHEREAS, the parents of children in attendance at the state's nonpublic schools also support the public school system through payment of sales, income, and property taxes; and

WHEREAS, many parents with children in attendance at the state's nonpublic schools incur significant financial burdens because they have selected an educational alternative to the public school system; and

WHEREAS, the state would have incurred an additional 1993-95 biennial foundation aid appropriation in excess of \$27,000,000 if the children enrolled in nonpublic schools had attended public schools; and

WHEREAS, many local school districts would face severe overcrowding, new construction costs, and additional personnel and equipment costs if all children now attending nonpublic schools were to enroll in the public school system;

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

That the Legislative Council study the impact of nonpublic schools on the state, the ability of nonpublic schools to provide children with a quality education and related services, and the feasibility and desirability of offering assistance to the parents of nonpublic schoolchildren to assist with the costs of 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-fifth Legislative Assembly.

Filed March 28, 1995

CHAPTER 720**SENATE CONCURRENT RESOLUTION NO. 4060**
(Senator Thane)**SEXUAL OFFENDERS LAWS STUDY**

A concurrent resolution directing the Legislative Council to study the laws related to sex offenders, including consideration of options for involuntary treatment of civilly committed or criminally incarcerated sex offenders.

WHEREAS, the treatment of sex offenders requires long, specialized, and intensive treatment to provide significant results; and

WHEREAS, sex offenders may suffer from multiple disorders that complicate effective treatment; and

WHEREAS, this state's involuntary civil commitment statute is not tailored to meet the special circumstances presented by sex offenders; and

WHEREAS, treatment options for sex offenders are extremely limited in North Dakota, yet are crucial to the protection of the people of this state; and

WHEREAS, involuntary civil commitment of sex offenders would provide new options for and burdens on law enforcement and rehabilitation agencies;

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

That the Legislative Council study the laws related to sex offenders, including consideration of options for involuntary treatment of civilly committed or criminally incarcerated sex offenders; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to seek assistance and testimony from the Department of Human Services, the Attorney General, the Department of Corrections and Rehabilitation, members of the judiciary, defense attorneys, and law enforcement agencies; and

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

Filed March 24, 1995

CHAPTER 721**SENATE CONCURRENT RESOLUTION NO. 4061**

(Senators Nething, G. Nelson, Redlin, Tennefos, Wogsland)

OBSOLETE STATUTES STUDY

A concurrent resolution directing the Legislative Council to study the statutes of this state to determine if there are obsolete, redundant, or inaccurate laws that should be eliminated.

WHEREAS, the North Dakota Century Code now contains 24,655 sections, comprising the net result of over 100 years of the enactment of legislation; and

WHEREAS, when statutes become obsolete, redundant, or inaccurate there is little or no incentive to bring the matter to the attention of the Legislative Assembly and, as a result, laws that should be repealed continue to exist and must be republished with each replacement volume of the North Dakota Century Code; and

WHEREAS, state agencies should undertake a thorough review of statutory authority governing their fields of operations on a regular basis, even though they are not required to do so by law; and

WHEREAS, review of existing statutory provisions could uncover many provisions of law that can be repealed or updated, resulting in substantial savings;

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

That the Legislative Council study the statutes of this state to determine if there are obsolete, redundant, or inaccurate laws that should be eliminated; and

BE IT FURTHER RESOLVED, that the Legislative Council request that state agencies conduct thorough reviews of statutory authority governing their fields of operation and report their findings on statutes that could be eliminated to the Legislative Council; and

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

Filed March 24, 1995

CHAPTER 722**SENATE CONCURRENT RESOLUTION NO. 4062**

(Senators Scherber, Mathern, Thane, Wogsland)
(Representative Oban)

ECONOMIC DEVELOPMENT PROGRAMS STUDY

A concurrent resolution directing the Legislative Council to study the effectiveness of economic development programs in creating quality jobs, the relationship between economic development efforts and welfare reform efforts, and ways in which economic development programs can be structured to help recipients of aid to families with dependent children achieve self-sufficiency.

WHEREAS, economic development programs attempt to improve the state's economy and to create quality jobs that add to the well-being of individuals and families; and

WHEREAS, there is continuing discussion regarding the wage and benefit levels of jobs created with state economic assistance; and

WHEREAS, there is continued support for welfare reform programs that encourage recipients of aid to families with dependent children to become self-sufficient; and

WHEREAS, local economic development authorities prefer economic incentive programs that are easy to administer; and

WHEREAS, different views exist regarding the definition of a quality job;

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

That the Legislative Council study the effectiveness of economic development programs in creating quality jobs, the relationship between economic development efforts and welfare reform efforts, and ways in which economic development programs can be structured to help recipients of aid to families with dependent children achieve self-sufficiency; 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-fifth Legislative Assembly.

Filed March 24, 1995

CHAPTER 723**SENATE CONCURRENT RESOLUTION NO. 4063**

(Senator Kelsh)

(Approved by the Delayed Bills Committee)

REFLECTORS ON RAILCARS URGED

A concurrent resolution urging the Federal Railroad Administration to encourage railroads to provide for the application and maintenance of highly reflectorized materials on both sides of all new or refurbished railcars.

WHEREAS, many Americans die as the result of driving into the side of trains at poorly marked rail crossings; and

WHEREAS, reflectorized material on the sides of railcars would reduce instances where motorists drive into the sides of trains at poorly marked rail crossings; and

WHEREAS, railroads are not required to apply or maintain highly reflectorized material on both sides of railcars;

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

That the Fifty-fourth Legislative Assembly urges the Federal Railroad Administration to encourage railroads to provide for the application and visibility of highly reflectorized materials on both sides of all new or refurbished railcars; and

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

Filed April 10, 1995

CHAPTER 724**SENATE CONCURRENT RESOLUTION NO. 4064**

(Senators Heinrich, Freborg)
(Approved by the Delayed Bills Committee)

**EDUCATIONAL TELECOMMUNICATIONS COUNCIL
STUDY**

A concurrent resolution directing the Legislative Council to study the North Dakota Educational Telecommunications Council.

WHEREAS, the Educational Telecommunications Council is charged with creating educational telecommunications programs and systems within the state; and

WHEREAS, the Educational Telecommunications Council has broad powers regarding the development of statewide programs and systems; and

WHEREAS, the Educational Telecommunications Council contracts for building and operating public television stations; and

WHEREAS, with the onset of the Twenty-first Century, the Educational Telecommunications Council could play a much more significant role in the delivery of elementary, secondary, and higher education;

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

That the Legislative Council study the Educational Telecommunications Council, the council's role in the creation of educational telecommunications programs and systems within the state, the powers, duties, and makeup of the council, and alternative methods for administering the state's educational telecommunications delivery systems; and

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

Filed April 5, 1995

CHAPTER 725**SENATE CONCURRENT RESOLUTION NO. 4065**

(Government and Veterans Affairs Committee)

(Approved by the Delayed Bills Committee)

**STATE EMPLOYEE CLASSIFICATION AND BENEFITS
STUDY**

A concurrent resolution directing the Legislative Council to study the state employee classification system and the benefits provided to state employees.

WHEREAS, the Fifty-fourth Legislative Assembly considered but did not pass Senate Bill Nos. 2105 and 2106, relating to the duties of the State Personnel Board, and the accrual of annual leave and sick leave of all state employees; and

WHEREAS, these bills raised questions concerning the merits of a procedure for resolving complaints made by probationary employees and applicants for state employment and concerning leave policies applicable to state employees; and

WHEREAS, before establishing grievance procedures and leave policies for all state employees, the Legislative Assembly needs to have complete information on existing grievance procedures and leave policies available to all state employees;

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

That the Legislative Council study the state employee classification system and the benefits provided to state employees; and

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

Filed March 28, 1995

CHAPTER 726**SENATE CONCURRENT RESOLUTION NO. 4066**

(Government and Veterans Affairs Committee)

(Approved by the Delayed Bills Committee)

RETIREMENT SYSTEMS CONSOLIDATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement.

WHEREAS, the Fifty-fourth Legislative Assembly considered, but did not enact, legislation that would have established a Public Employees Benefits Board; and

WHEREAS, it is in the best interests of the state and its political subdivisions to provide cost-efficient and properly administered retirement programs for the benefit of public employees; and

WHEREAS, the adequacy of public employee retirement programs is dependent on the proper administration and investment of public employee retirement funds; and

WHEREAS, the merger of the investment functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement has been successful and resulted in cost savings; and

WHEREAS, the consolidation of additional areas such as accounting, computerization, benefits counseling, and staffing has the potential to result in significant further cost savings, thereby resulting in additional benefits for beneficiaries of the funds; and

WHEREAS, any decision whether to consolidate the functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement necessarily involves the funds, the participants in the funds, and the beneficiaries of the funds;

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

That the Legislative Council direct the Employee Benefits Committee to study the feasibility and desirability of consolidating functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement; 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-fifth Legislative Assembly.

Filed March 28, 1995

CHAPTER 727**SENATE CONCURRENT RESOLUTION NO. 4067**

(Senators Holmberg, DeMers, Krebsbach, Mutch, Redlin, Schobinger,
St. Aubyn, W. Stenehjem, Watne)

(Representatives Christenson, Clayburgh, Delmore, Glassheim, Klein,
Kliniske, Lloyd, Maragos, Mickelson, Nottestad, Poolman, Price,
Shide, Svedjan, Timm, Tollefson, Walker, Wentz)

(Approved by the Delayed Bills Committee)

AIR FORCE BASE SUPPORT

A concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

WHEREAS, the Grand Forks Air Force Base and the Minot Air Force Base have served the nation admirably since 1957; and

WHEREAS, both the Grand Forks Air Force Base and the Minot Air Force Base serve dual missions, including the housing of minuteman missile wings; and

WHEREAS, continued maintenance of dual-mission bases provides the most efficient and economical use of government resources; and

WHEREAS, over the past 38 years, the communities of Grand Forks and Minot have developed strong social, cultural, and economic bonds with the Grand Forks and Minot Air Force bases and the personnel assigned to those bases;

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

That the Fifty-fourth Legislative Assembly expresses support for the maintenance of the current missions of the Grand Forks Air Force Base and the Minot Air Force Base and urges the Base Closure and Realignment Commission to recognize the important strategic and economic advantages of both facilities; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the leaders of the Air Force base retention groups in Grand Forks and Minot and the mayors of Grand Forks and Minot.

Filed March 27, 1995

CHAPTER 728**SENATE CONCURRENT RESOLUTION NO. 4068**

(Senator Naaden)

(Employment Committee)

(Approved by the Delayed Bills Committee)

POSTSESSION EMPLOYEES

A concurrent resolution authorizing the retention of sufficient employees of the House and Senate to complete legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-fourth Legislative Assembly; and

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

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

That the Secretary of the Senate and the Chief Clerk of the House each retain sufficient employees to complete the work of the Fifty-fourth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate and the Chief Clerk of the House determine which employees are necessary after consulting with the majority and minority leaders in their respective houses, coordinate and assign work in their respective houses, and supervise the work to maximize the efficiency of postsession work; and

BE IT FURTHER RESOLVED, that the total employment authorized by this resolution, including the postsession work of the Secretary of the Senate and the Chief Clerk of the House, may not exceed 200 days in the aggregate; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate and the Chief Clerk of the House shall minimize the number of days required to complete legislative business; and

BE IT FURTHER RESOLVED, that employees retained after the session be paid the regular rates of pay for work under this resolution as specified in House Concurrent Resolution No. 3015, and that these employees be paid from funds appropriated for the Legislative Assembly, provided that each employee must be paid on a prorated basis if the total number of days exceeds the aggregate limit.

Filed April 5, 1995

CHAPTER 729**SENATE CONCURRENT RESOLUTION NO. 4069**

(Senators C. Nelson, Grindberg, Lee, Mathern, Nalewaja, G.
Nelson, Scherber, Tennesos)

(Representatives Austin, Belter, Berg, Bernstein, Carlson,
Christopherson, Clark, Dalrymple, Dorso, Gorman, Holm, Koppelman, Payne,
Sandvig, Soukup, Thoreson)

(Approved by the Delayed Bills Committee)

**BISON WOMEN'S BASKETBALL TEAM
CONGRATULATED**

A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

WHEREAS, the North Dakota State University Bison women's basketball team captured its third consecutive NCAA Division II championship and became the first Division II women's basketball team to win the national championship with an undefeated record; and

WHEREAS, in winning its fourth national championship in five seasons the Bison women's basketball team extended its winning streak to 41 consecutive games with a perfect 32-0 record and held the number one national ranking for the entire season; and

WHEREAS, Kasey Morlock, most valuable player of the Division II tournament, Lori Roufs, named to the all-tournament team, and the other talented individual athletes distinguished themselves under coach Amy Ruley's guidance by displaying exemplary teamwork in pursuit of their goal to claim another national championship, a performance of which North Dakotans are extremely proud;

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

That the Fifty-fourth Legislative Assembly takes pride in extending to all members and coaches of the North Dakota State University Bison women's basketball team its heartiest congratulations for winning the 1995 NCAA Division II women's national basketball championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the North Dakota State University Bison women's basketball team, to each of their coaches, and to the president of North Dakota State University, home of the Bison.

Filed April 5, 1995

CHAPTER 730**SENATE CONCURRENT RESOLUTION NO. 4070**

(Senators Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Nalewaja, C. Nelson, G. Nelson, Nething, O'Connell, Redlin, Robinson, Sand, Scherber, Schobinger, Solberg, St. Aubyn, B. Stenehjerm, W. Stenehjerm, Streibel, Tallackson, Tennefos, Thane, Tomac, Traynor, Urlacher, Wanzek, Watne, Wogsland, Yockim)
(Representatives Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovdal, Freier, Froseth, Galvin, Gerntholz, Glasheim, Gorder, Gorman, Grosz, Grumbo, Gulleson, Gunter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, Martinson, Mickelson, Monson, Mutzenberger, Nicholas, Nichols, Nottestad, Oban, Olson, Payne, Poolman, Price, Rennerfeldt, Retzer, Rydell, Sabby, Sandvig, Schimke, Schmidt, Shide, Sitz, Skarphol, Soukup, Stenehjerm, Svedjan, Sveen, Thompson, Thoreson, Timm, Tollefson, Torgerson, Wald, Walker, Wardner, Wentz, Wilkie)

(Approved by the Delayed Bills Committee)

CHESTER E. NELSON, JR., COMMENDED

A concurrent resolution commending Chester E. Nelson, Jr., on 30 years of service to the Legislative Council.

WHEREAS, the Legislative Assembly created the position of Legislative Budget Analyst and Auditor in 1965 and Chester E. Nelson, Jr., was appointed to fill that position; and

WHEREAS, Chet Nelson is the only individual who has ever held the position of Legislative Budget Analyst and Auditor; and

WHEREAS, Chet Nelson has received national recognition as president of the National Association of Legislative Fiscal Officers and as a member of the Executive Committee of the National Conference of State Legislatures; and

WHEREAS, Chet Nelson has served his profession and community well, having served as president of the North Dakota State Board of Accountancy and as president of the Bismarck United Way; and

WHEREAS, members of the Legislative Assembly are indebted to Chet Nelson for his 30 years of dedication and professionalism;

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

That the Fifty-fourth Legislative Assembly commends Chester E. Nelson, Jr., upon the achievement of 30 years of dedicated service as Legislative Budget Analyst and Auditor for the Legislative Council; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Chester E. Nelson, Jr.

Filed April 5, 1995