

# HOUSE CONCURRENT RESOLUTIONS

## CHAPTER 576

### HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)  
(Budget Committee on Government Finance)

### DISTRICT COURT CLERK FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system.

**WHEREAS**, the people of this state approved a new judicial article of the Constitution of North Dakota in 1976 establishing a unified judicial system consisting of a Supreme Court, a district court, and such other courts as may be provided by law; and

**WHEREAS**, subsequent initial efforts resulted in substantial unification of the judicial system through consolidation of county courts by the 1981 Legislative Assembly; and

**WHEREAS**, the 1991 Legislative Assembly considered further unification of the judicial system, enacting bills that provided a transitional process for establishing a single trial court of general jurisdiction by abolishing county courts and providing for additional district court judgeships but providing for the reduction in the total number of judges from 53 to 42 before January 2, 2001; and

**WHEREAS**, the 1989 Legislative Assembly enacted North Dakota Century Code Section 11-17-11, which provides a county option to transfer responsibility for funding the office of the clerk of district court to the state; and

**WHEREAS**, although this option provides a method of alleviating the cost to the counties of supporting district court functions, appropriations have not been provided to fund this option; and

**WHEREAS**, the feasibility and desirability of state funding of the office of the clerk of district court should be studied to assure that any changes made will benefit the citizens of the state and will serve the interests of the judicial system;

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

That the Legislative Council study the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system; and

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

Filed March 19, 1997

**CHAPTER 577****HOUSE CONCURRENT RESOLUTION NO. 3002**

(Legislative Council)  
(Budget Committee on Government Finance)

**STATE INVESTMENT STUDY**

A concurrent resolution directing the Legislative Council to study the state's investment process as it relates to the state bonding fund and the fire and tornado fund and monitor the performance of all investments of the State Investment Board and the Board of University and School Lands.

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

**WHEREAS**, the State Investment Board oversees the investment of the fire and tornado fund, which totaled \$16.1 million as of June 30, 1996, and the state bonding fund, which totaled \$3.7 million as of June 30, 1996, along with many other statutory and contracted funds totaling over \$2 billion; and

**WHEREAS**, the fire and tornado fund and the state bonding fund earned one-year annualized returns as of the June 30, 1996, of 6.45 percent and 6.98 percent, respectively, while other funds administered by the State Investment Board earned one-year annualized returns as of June 30, 1996, ranging from 5.63 percent to 24.7 percent; 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 or maintaining the desired minimum balance in a fund, within prudent risk parameters and appropriate liquidity restraints; and

**WHEREAS**, the adequacy of the funds is dependent on the investment performance of the funds;

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

That the Legislative Council study the state's investment process as it relates to the state bonding fund and the fire and tornado fund and to monitor the performance of all investments of the State Investment Board and the Board of University and School Lands; 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-sixth Legislative Assembly.

Filed March 11, 1997

**CHAPTER 578****HOUSE CONCURRENT RESOLUTION NO. 3003**

(Legislative Council)

(Budget Committee on Home and Community Care)

**LONG-TERM CARE BED CONVERSION STUDY**

A concurrent resolution directing the Legislative Council to monitor the implementation of the projects developed by the Department of Human Services related to the conversion of existing nursing facility or basic care capacity for use by the Alzheimer's and related dementia population and the testing of an expanded case management system for elderly persons and disabled persons.

**WHEREAS**, the Task Force on Long-Term Care Planning has declared that sufficient institutional capacity exists to meet the needs of the Alzheimer's and related dementia population; and

**WHEREAS**, the task force recommends that existing institutional service capacity be tailored to meet the needs of the Alzheimer's and related dementia population; and

**WHEREAS**, case management for older adults and persons with disabilities in the state is provided to a limited number of individuals through a variety of private and public agencies resulting in confusion for many individuals and their families who must work with a maze of different agencies located in several different locations in the community; and

**WHEREAS**, an expanded case management system would allow individuals in need of long-term care to access services through a single entry point that provides "one-stop" accessibility for those individuals and their families; and

**WHEREAS**, the Legislative Council, based upon a recommendation by the interim Budget Committee on Home and Community Care, has recommended to the Legislative Assembly the development of pilot projects by the Department of Human Services related to the conversion of existing bed capacity for use by the Alzheimer's and related dementia population and to the testing of an expanded case management system;

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

That the Legislative Council monitor the implementation of the projects developed by the Department of Human Services related to the conversion of existing nursing facility or basic care capacity for use by the Alzheimer's and related dementia population and the implementation of an expanded case management system for elderly persons and disabled persons; 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-sixth Legislative Assembly.

Filed February 7, 1997

## CHAPTER 579

### HOUSE CONCURRENT RESOLUTION NO. 3004

(Legislative Council)

(Budget Committee on Home and Community Care)

#### ELDERLY AND DISABLED SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the means of expanding home and community-based service availability, options for training additional qualified service providers, adequacy of geropsychiatric services, and the feasibility of combining service reimbursement payment sources to allow payments to flow to a broadened array of elderly and disabled services options.

**WHEREAS**, during the 1995-96 interim the Department of Human Services and the Department of Health formed a Task Force on Long-Term Care Planning and presented recommendations to the Legislative Council's Budget Committee on Home and Community Care and the Insurance and Health Care Committee; and

**WHEREAS**, in the area of long-term care service inventory, distribution, and alternatives, the Budget Committee on Home and Community Care recommended statutory changes relating to the moratorium on long-term care beds and allowing pilot projects for the conversion of existing long-term care beds for use by the Alzheimer's and related dementia population; and

**WHEREAS**, the availability of qualified service providers in rural areas may be limited, potential providers may lack the skills necessary to meet required competency standards, and training opportunities are limited, which may require the rural elderly and disabled to choose between relocating to access services or going without necessary services; and

**WHEREAS**, expanded training of qualified service providers could enhance the availability and improve the quality of home and community-based services; and

**WHEREAS**, the State Hospital is reviewing the adequacy of geropsychiatric care and developing a plan to provide outreach support for nursing homes in need of intervention services for this special population and the State Hospital may need to provide inpatient geropsychiatric care; and

**WHEREAS**, a combining of service reimbursement payment sources could provide increased flexibility or portability of service payments to allow payments to flow to a broadened array of service options for the elderly and disabled;

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

That the Legislative Council study the means of expanding elderly and disabled service availability, options for training additional qualified service providers, adequacy of geropsychiatric services, and the feasibility of combining service reimbursement payment sources to allow payments to flow to a broadened array of elderly and disabled services options; 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-sixth Legislative Assembly.

Filed February 7, 1997

**CHAPTER 580****HOUSE CONCURRENT RESOLUTION NO. 3005**

(Legislative Council)

(Budget Committee on Home and Community Care)

**NATIVE AMERICAN LONG-TERM CARE STUDY**

A concurrent resolution directing the Legislative Council to study Native American long-term care needs and access to appropriate services and the functional relationship between state service units and the Native American reservation service systems.

**WHEREAS**, during the 1995-96 interim the Department of Human Services and the Department of Health formed a Task Force on Long-Term Care Planning and presented recommendations to the Legislative Council's Budget Committee on Home and Community Care and Insurance and Health Care Committee; and

**WHEREAS**, in the area of long-term care service inventory, distribution, and alternatives, it was reported long-term care services within North Dakota Native American service areas and reservations vary widely, ranging from a nontribe owned and operated nursing facility to unlicensed facilities and home-based care provided under several entitlement programs; and

**WHEREAS**, coordination and application of various Native American long-term care programs and service components are directed by tribal policy and organizational structure; and

**WHEREAS**, some states, including the state of Washington, have specially targeted service programs for residents of reservations and case management has been employed to coordinate the care arrangement and delivery; and

**WHEREAS**, various noninstitutional care components appear to be available on reservations, but service arrangement and delivery may not be adequately coordinated and case management services for elderly reservation residents, if available, could result in a significant increase in the effectiveness of service delivery for that population;

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

That the Legislative Council study Native American long-term care and case management needs and access to appropriate services and the functional relationship between state service units and the Native American reservation service 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-sixth Legislative Assembly.

Filed February 7, 1997

**CHAPTER 581****HOUSE CONCURRENT RESOLUTION NO. 3006**

(Legislative Council)

(Budget Committee on Home and Community Care)

**LONG-TERM CARE FINANCING STUDY**

A concurrent resolution directing the Legislative Council to study long-term care financing issues to determine the changes necessary to develop alternative services and the feasibility of a managed care system for long-term care services.

**WHEREAS**, during the 1995-96 interim the Department of Human Services and the Department of Health formed a Task Force on Long-Term Care Planning and presented recommendations to the Legislative Council's Budget Committee on Home and Community Care and the Insurance and Health Care Committee regarding long-term care financing; and

**WHEREAS**, the Budget Committee on Home and Community Care supports the long-range goals of reducing the number of long-term care beds in North Dakota and of providing incentives to deliver alternative home and community-based services; and

**WHEREAS**, the current long-term care payment system should be reviewed to determine if some categories of nursing home residents could receive services in alternative, less costly settings; and

**WHEREAS**, a managed care program for long-term care services could result in the development of alternative care in a cost-efficient manner; and

**WHEREAS**, financial, regulatory, and other impediments may exist that prevent the development of alternative services to long-term care;

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

That the Legislative Council study nursing facility and other residential care systems to determine the changes necessary to assist in the development of alternative services, the financial incentives necessary to encourage nursing facilities to reduce the number of beds and to develop alternative services, if some categories of long-term care residents could receive services in alternative, less costly settings and any related cost savings, and the feasibility of a managed care system for long-term care 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-sixth Legislative Assembly.

Filed March 3, 1997

**CHAPTER 582****HOUSE CONCURRENT RESOLUTION NO. 3007**

(Appropriations Committee)

**BLOCK GRANT HEARINGS**

A concurrent resolution regarding the approval of state agency use of block grant funds and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

**WHEREAS**, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981 on July 29, 1981, thus creating several categories of "block" grant programs; and

**WHEREAS**, legislatures of the states are required to conduct public hearings; and

**WHEREAS**, the public hearing requirements for block grant moneys expected for the next biennium by the Office of Management and Budget have been met by the Appropriations Committees; and

**WHEREAS**, the Fifty-fifth Legislative Assembly cannot hold public hearings on revisions to current block grants or additional block grants that may be approved by Congress after the recess or adjournment of the Legislative Assembly; and

**WHEREAS**, the Legislative Assembly will not meet in regular session during 1998 and thus its public hearing responsibility for grants not approved by the Fifty-fifth Legislative Assembly must be delegated to a legislative entity;

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

That the appropriation bill for the Office of Management and Budget, as it is passed by this Legislative Assembly, is the Legislative Assembly's approval and contains directions on the use of block grant moneys for the period ending September 30, 1999; and

**BE IT FURTHER RESOLVED**, that the Budget Section of the Legislative Council may hold the public legislative hearings required for the receipt of block grant or other federal moneys under the Omnibus Budget Reconciliation Act of 1981 or other relevant federal statutes; and

**BE IT FURTHER RESOLVED**, that the Budget Section authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-fifth Legislative Assembly through September 30, 1999, and the Budget Section shall utilize the methods and procedures for holding the hearings authorized by this resolution and giving notice of those hearings as it deems appropriate.

Filed February 7, 1997

**CHAPTER 583****HOUSE CONCURRENT RESOLUTION NO. 3008**

(Representative Sveen)

**EMERGENCY MEDICAL SERVICES STUDY**

A concurrent resolution directing the Legislative Council to study the emergency medical services system to ensure the continued viability of this state's rural emergency medical services.

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

**WHEREAS**, North Dakota Century Code Section 23-27-04.3 directs the State Health Council to adopt rules prescribing minimum training, testing, and certification standards for prehospital emergency medical services personnel; and

**WHEREAS**, the Department of Health has adopted emergency medical services personnel training, testing, and certification rules as North Dakota Administrative Code Chapter 33-36-01; and

**WHEREAS**, rural communities in the state rely on volunteers to fulfill prehospital emergency medical services needs; and

**WHEREAS**, many rural communities are experiencing difficulties in recruiting prehospital emergency medical services personnel who meet the requirements of the rules adopted by the State Health Council;

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

That the Legislative Council study the emergency medical services system to ensure the continued viability of this state's rural emergency medical 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-sixth Legislative Assembly.

Filed March 4, 1997

**CHAPTER 584****HOUSE CONCURRENT RESOLUTION NO. 3012**  
(Representatives Skarphol, Rennerfeldt, Torgerson, Byerly)  
(Senator Andrist)**ROBERT W. PETERSON COMMENDED**

A concurrent resolution commending Robert W. Peterson on 30 years of service to the State of North Dakota.

**WHEREAS**, Robert W. Peterson was a member of the House of Representatives for six years and was State Auditor for 24 consecutive years; and

**WHEREAS**, Robert W. Peterson has received national recognition as a member of the National Association of State Auditors, Treasurers, and Comptrollers; the National Association of State Auditors; the Mountain and Plains Audit Forum; the National Auditor Training Committee; the Institute of Internal Auditors; and the Advisory Committee to the Secretary of the Interior; and

**WHEREAS**, Robert W. Peterson has served his profession and community well, having served on the Northern Lights Boy Scout Council, the Rotary District Council of Governors, the North Dakota Consensus Council, Inc., and the Evangelical Lutheran Church in America Western North Dakota Synod Council; and

**WHEREAS**, citizens of the State of North Dakota are indebted to Robert W. Peterson for his 30 years of dedication and professionalism;

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

That the Fifty-fifth Legislative Assembly commends Robert W. Peterson upon the achievement of 30 years of dedicated service to the State of North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State present an enrolled copy of this resolution to Robert W. Peterson.

Filed April 1, 1997

**CHAPTER 585****HOUSE CONCURRENT RESOLUTION NO. 3014**

(Representatives Martin, Wentz, Jensen)  
(Senators Robinson, St. Aubyn)

**PARENTAL CUSTODY RELINQUISHMENT  
EXCEPTION URGED**

A concurrent resolution urging Congress to enact legislation to allow an exception to the requirement that parents relinquish custody in order to receive out-of-home treatment services for children with serious emotional disorders.

**WHEREAS**, parents of children with serious emotional disorders often require access to public funds in order to obtain out-of-home mental health treatment services for their children with serious emotional disorders; and

**WHEREAS**, the primary source of federal funding for out-of-home services for children is under the federal foster care program; and

**WHEREAS**, the Adoption Assistance Child Welfare Act of 1980 [Pub. L. 96-272], providing for the federal foster care program, requires that in order to receive foster care maintenance payments, the child must be removed from the home as a result of a judicial determination, the child's placement and care must be the responsibility of a state agency or other public agency, and the child must be placed in a foster home or a child care institution; and

**WHEREAS**, in order to obtain funds for out-of-home mental health services for their children, many parents relinquish custody in order to have their children receive the needed services under the foster care program; and

**WHEREAS**, after custody is relinquished, parents have minimal involvement in decisions made by the public agencies which affect their children;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to consider changes to the federal foster care program to allow an exception to the requirement that parents relinquish custody in order to receive out-of-home treatment services for children with serious emotional disorders; and

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

Filed March 6, 1997

**CHAPTER 586****HOUSE CONCURRENT RESOLUTION NO. 3015**

(Representatives Drovdal, Kempenich, Warner)  
(Senator Bowman)

**FOUR BEARS BRIDGE FUNDING URGED**

A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge.

**WHEREAS**, in 1944 Congress enacted the Flood Control Act of 1944 [the Pick-Sloan Act], which authorized the construction of various dams on the Missouri River, including the Garrison Dam project, for the benefit of citizens of many states for the provision of inexpensive electricity, flood control, water supply, and recreational opportunities; and

**WHEREAS**, as a result of the Garrison Dam, Lake Sakakawea was created on the Missouri River which caused areas of North Dakota and the Fort Berthold Indian Reservation which were previously closely connected by land to be separated by long expanses of water; and

**WHEREAS**, a vital link in North Dakota's system of highways are bridges crossing the Missouri River, including the Four Bears Bridge constructed in 1952 by the United States Army Corps of Engineers, located near the city of New Town on State Highway 23 connecting United States Highways 83 and 85 and traveling through the Fort Berthold Indian Reservation; and

**WHEREAS**, the Four Bears Bridge is the only bridge across the Missouri River for 190 miles of the river with the next two closest crossings being a bridge 90 highway miles to the north and Garrison Dam 100 highway miles to the south; and

**WHEREAS**, the Four Bears Bridge provides a vital link for the entire state as well as many rural communities in northwest North Dakota, including access links to businesses, farms, schools, and other educational facilities, health facilities, government offices, and ambulance, police, and fire protection services which are integral to the health, safety, and well-being of the citizens living in this area; and

**WHEREAS**, at the time of the completion of the Four Bears Bridge by the Corps of Engineers, it was obsolete based on the bridge construction standards of that time, and presently is even more hazardous because of the narrow width of its driving surface; and

**WHEREAS**, the North Dakota Department of Transportation is required to maintain and repair the Four Bears Bridge and will be required to spend at least \$8,000,000 in major renovation and repairs to keep it in a safe and usable condition for the foreseeable future if the bridge is not replaced; and

**WHEREAS**, the North Dakota Department of Transportation has determined that instead of costly repair and maintenance of an already obsolete bridge, the bridge should be replaced at an estimated cost of \$42,000,000; and

**WHEREAS**, the State of North Dakota has examined the many funding options but simply does not have adequate funds to either provide major maintenance for the bridge or to construct a new bridge without jeopardizing the maintenance needs and safety of other bridges in North Dakota;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to take whatever actions and make available appropriate funds as are necessary to replace the Four Bears Bridge in recognition of the continued federal responsibility for the Garrison Dam project; and

**BE IT FURTHER RESOLVED**, that the Fifty-fifth Legislative Assembly also requests the assistance and advocacy of all federal agencies responsible for or having an interest in the construction, maintenance, and replacement of the Four Bears Bridge to take all action necessary to solve the urgent problem of the replacement of the Four Bears Bridge.

Filed April 1, 1997

**CHAPTER 587****HOUSE CONCURRENT RESOLUTION NO. 3017**

(Representatives Belter, Grande)  
(Senator Christmann)

**BALANCED BUDGET CONSTITUTIONAL  
AMENDMENT URGED**

A concurrent resolution urging the Congress of the United States to consider an amendment to the United States Constitution to require a balanced federal budget.

**WHEREAS**, the national debt of the United States is over \$5,000,000,000,000 and the estimated share of the debt for each United States citizen is approximately \$20,000; and

**WHEREAS**, the national debt is increasing an average of over \$700,000,000 each day; and

**WHEREAS**, the accumulated debt of the United States represents a significant financial burden for future generations;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to consider an amendment to the United States Constitution to require a balanced federal budget; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the members of the North Dakota Congressional Delegation and to the chairman of the United States Senate and House of Representatives Committees on Judiciary.

Filed March 19, 1997

**CHAPTER 588****HOUSE CONCURRENT RESOLUTION NO. 3018**

(Representatives Kempenich, Byerly, Drovdal)  
(Senator Bowman)

**HIGHWAY 85 WALKWAY FUNDING URGED**

A concurrent resolution urging Congress to provide funds to widen and provide an attached walkway to the bridge over the Burlington Northern tracks on United States Highway 85 north of Bowman, North Dakota.

**WHEREAS**, United States Highway 85 is the International Can-Am Highway; and

**WHEREAS**, this highway is regularly used by the oil and agriculture industries; and

**WHEREAS**, the three-span steel girder bridge on United States Highway 85 over the railroad tracks north of Bowman was constructed in 1939, is 166 feet in length, and is only 24 feet wide from curb to curb; and

**WHEREAS**, the traffic over the bridge was approximately 1,000 vehicles per day in 1989 and has increased to approximately 1,125 vehicles per day in 1995; and

**WHEREAS**, expanding the clear deck width curb to curb to 32 feet by using the pedestrian sidewalk that is on the east side of the bridge would increase the safety for the motoring public; and

**WHEREAS**, a separate walkway attached to the bridge would provide a safe path for children to attend school and recreational activities;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to provide funds to widen and provide an attached walkway to the bridge over the Burlington Northern tracks on United States Highway 85 north of Bowman, North Dakota; and

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

Filed March 19, 1997

**CHAPTER 589****HOUSE CONCURRENT RESOLUTION NO. 3019**

(Representatives Poolman, Dorso)

**REPUBLIC OF CHINA RELATIONSHIP RECOGNIZED**

A concurrent resolution recognizing North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home and humanitarian service abroad.

**WHEREAS**, the people of this state enjoy a relationship with the province of Taiwan, Republic of China; and

**WHEREAS**, this state has benefited from growing commercial interaction with the Republic of China on Taiwan; and

**WHEREAS**, a democratic multiparty political system has been smoothly established by the Republic of China on Taiwan; and

**WHEREAS**, the role of the Republic of China on Taiwan in international development programs and humanitarian relief operations has expanded significantly during the past decade; and

**WHEREAS**, based on the principle of universality and in accordance with the established pattern of parallel representation by divided countries in the United Nations, 15 countries have proposed to the Secretary General of the United Nations that a supplemental item be included in the provisional agenda of the 50th General Assembly session of the United Nations to consider the exceptional situation of the Republic of China on Taiwan in the international community;

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

That North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home, and humanitarian service abroad be accorded appropriate recognition by the people of this state; and

**BE IT FURTHER RESOLVED**, that due consideration should be given by the United States to the readiness of the Republic of China on Taiwan to further contribute to and participate broadly in the international community; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, each member of the North Dakota Congressional Delegation, the United States Trade Representative, and the North Dakota International Trade program director.

Filed April 2, 1997

**CHAPTER 590****HOUSE CONCURRENT RESOLUTION NO. 3020**

(Representatives Kempenich, Nelson, Weisz)  
(Senators Christmann, Fischer, Robinson)

**AIRLINE SERVICE STUDY**

A concurrent resolution directing the Legislative Council to study airline service in this state.

**WHEREAS**, adequate interstate and international air service is critical to the economic future of this state; and

**WHEREAS**, the present system of sometimes having only one airline carrier removes the competitive forces that keep ticket prices low and the level of service high; and

**WHEREAS**, the present airfare structure and scheduling of arrivals and departures place North Dakota citizens and businesses at a comparative economic disadvantage to businesses in other states; and

**WHEREAS**, attraction and retention of major air carriers has been a persistent and reoccurring problem;

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

That the Legislative Council study the airfare service 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-sixth Legislative Assembly; and

**BE IT FURTHER RESOLVED**, that the Legislative Council provide a copy of its findings and recommendations to the Secretary of the Department of Transportation and to each member of the North Dakota Congressional Delegation.

Filed March 19, 1997

## CHAPTER 591

### HOUSE CONCURRENT RESOLUTION NO. 3025

(Representatives Skarphol, Dorso, Carlson, Wald)  
(Senators G. Nelson, Grindberg)

## UNEMPLOYMENT COMPENSATION DEVOLVEMENT URGED

A concurrent resolution urging Congress to take steps to devolve the unemployment compensation program back to the states.

**WHEREAS**, the unemployment compensation system was created with the dual goals of helping to reduce economic hardship for unemployed workers and stabilizing the economy during recessions; and

**WHEREAS**, to accomplish these goals, the unemployment compensation system consists of unemployment insurance and a system of Job Service offices; and

**WHEREAS**, the unemployment compensation system is funded by a two-tiered system of taxation with a state payroll tax averaging about .9 percent of total wages and a federal payroll tax known as the Federal Unemployment Tax Act tax that is .6 percent of the first \$7,000 of wages, with a surtax of .2 percent; and

**WHEREAS**, the surtax was first implemented in 1977 to restore solvency and integrity to the unemployment compensation system; and

**WHEREAS**, Congress has extended the surtax four times since 1987 despite the fact the unemployment compensation system has generated large surpluses each year; and

**WHEREAS**, the surtax alone generated approximately \$1,400,000,000 in 1995 and is due to expire in 1998; and

**WHEREAS**, Congress and the administration have shown signs of making the temporary surtax indefinite; and

**WHEREAS**, the administration has budgeted to extend the surtax at least through the year 2006; and

**WHEREAS**, the Congressional Budget Office has estimated if the .2 percent surtax is eliminated, the savings to business would stimulate added job growth, resulting in increased tax revenues of almost \$900,000,000 between 1996 and 2000; and

**WHEREAS**, of the payroll tax revenue collected through the unemployment compensation system and maintained by the federal government, the federal government maintains 53 separate accounts for state payroll taxes and three separate accounts for Federal Unemployment Tax Act taxes; and

**WHEREAS**, 80 percent of the tax is supposed to be returned to the states to administer the unemployment compensation program and 20 percent is dedicated to the extended benefits account designed to provide long-term benefits in case of

severe economic hardships, and once these accounts reach their statutory ceiling the money is placed into the loan account for loans to state unemployment compensation systems in financial trouble; and

**WHEREAS**, the accounts maintained by the federal government have accumulated large surpluses that are being used to offset the federal deficit rather than return unemployed workers to work; and

**WHEREAS**, at the end of fiscal year 1995, state accounts had balances totaling \$35,900,000,000 and the three federal accounts had balances totaling \$11,900,000,000; and

**WHEREAS**, states only receive an average of 60 percent of the money from the federal government that is supposed to be dedicated to funding the administration of the unemployment compensation system and the other 40 percent is consumed by federal activities including demonstration programs and federal bureaucracy; and

**WHEREAS**, filing reports complying with the unemployment compensation system's dual taxation system costs employers almost \$500,000,000 a year; and

**WHEREAS**, if states were allowed to fully administer their own unemployment compensation systems, duration of unemployment could be decreased, payroll taxes could be decreased, and employment could be significantly increased;

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

That the Fifty-fifth Legislative Assembly urges the Congress of the United States to take steps to devolve the unemployment compensation program back to the states in order to maintain integrity in the system and accomplish the goals the unemployment compensation system was designed to achieve; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send a copy of this resolution to each member of Congress.

Filed April 1, 1997

**CHAPTER 592****HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representatives Kempenich, Drovdal, Poolman)  
(Senators Grindberg, Holmberg)

**DE MORES ABATTOIR PROJECT SUPPORT**

A concurrent resolution supporting the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

**WHEREAS**, Medora has developed into a major asset and tourist attraction for North Dakota; and

**WHEREAS**, the de Mores Abattoir Project will increase the tourism industry and further economic development in North Dakota; and

**WHEREAS**, the Theodore Roosevelt Medora Foundation has agreed to raise funds for the cost of the project; and

**WHEREAS**, the property owned by the state of North Dakota will include retail shops, a giant screen theater, museums, and the Chateau Interpretive Center, resulting in an ongoing investment return to the state;

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

That the Fifty-fifth Legislative Assembly supports the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

Filed April 2, 1997

**CHAPTER 593****HOUSE CONCURRENT RESOLUTION NO. 3028**

(Representatives Kempenich, Axtman, Klein)  
(Senator Naaden)

**COMMERCE DEPARTMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state department of commerce.

**WHEREAS**, numerous state agencies and officials, including the Public Service Commission, the Secretary of State, the Labor Commissioner, occupational and professional licensing boards, and the Department of Economic Development and Finance, are responsible for licensing functions and economic development functions in the state; and

**WHEREAS**, the consolidation of various licensing, regulatory, and economic development functions into one agency may be beneficial with respect to promoting economic development activities and allowing individuals and businesses to access licensing, regulatory, and economic development information through one agency; and

**WHEREAS**, a comprehensive study of establishing a state department of commerce is needed to determine its feasibility and desirability, and if feasible and desirable, to determine whether such a department should be under the authority of an elected or appointed official and to determine the proper structure and administration of such a department;

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

That the Legislative Council study the feasibility and desirability of establishing a state department of commerce; 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-sixth Legislative Assembly.

Filed March 19, 1997

**CHAPTER 594****HOUSE CONCURRENT RESOLUTION NO. 3029**

(Representatives Coats, Christenson, Gorder, Sveen)  
(Senators Cook, Robinson)

**VETERANS' BRAVERY ACKNOWLEDGED**

A concurrent resolution acknowledging the service and sacrifice of the brave Americans, including North Dakotans, who contributed to the historic victory of freedom and democracy over tyranny and oppression.

**WHEREAS**, the United States was beset with the threat of attack and war from the former Soviet Union virtually from the day that World War II ended in Europe; and

**WHEREAS**, this constant threat required the United States to maintain a strong military presence around the world for over 45 years; and

**WHEREAS**, hundreds of thousands of America's men and women, including thousands of North Dakotans, answered the need by serving in the military, many of them as draftees, because of the former Soviet Union's threat that they would "bury" us; and

**WHEREAS**, this constant vigil led to the downfall of the Soviet Union, without a nuclear holocaust, in August 1991, and the rebirth of several democratic states within the former Union of Soviet Socialist Republics; and

**WHEREAS**, proper recognition has never been given these brave service persons who maintained the military presence of the United States around the world;

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

That the Legislative Assembly acknowledge the service and sacrifice of the brave Americans, including North Dakotans who contributed to the historic victory of freedom and democracy over tyranny and oppression; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send a copy of this resolution to the adjutant of the North Dakota departments of the American Legion; the AMVETS - American Veterans of World War II, Korea, and Vietnam; the Disabled American Veterans; the Ex-POW Association; the International War Veterans Alliance; and the Veterans of Foreign Wars.

Filed March 19, 1997

**CHAPTER 595****HOUSE CONCURRENT RESOLUTION NO. 3030**

(Representatives Svedjan, Stenehjem, R. Kelsch, Glassheim, Price)

**PUBLIC HEALTH PLANNING STUDY**

A concurrent resolution directing the Legislative Council to study the development of a strategic planning process for the future of public health in this state.

**WHEREAS**, the well-being of the residents of this state relies on a strong, effective, and efficient health care system; and

**WHEREAS**, health care costs are a concern of the Legislative Assembly and the residents of this state; and

**WHEREAS**, public health has played a significant role in the improvement of the health status of North Dakotans; and

**WHEREAS**, it is necessary to transform and strengthen public health in order to respond to the challenges of the 21st century; and

**WHEREAS**, the Governor of this state has encouraged strategic planning for the future of public health in this state; and

**WHEREAS**, this strategic plan should include local public health departments, health care providers, academic institutions, and the public in order to construct a coordinated approach for promoting long-term health and wellness in the residents of this state;

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

That the Legislative Council study the development of a strategic planning process for the future of public health 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-sixth Legislative Assembly.

Filed March 18, 1997

**CHAPTER 596****HOUSE CONCURRENT RESOLUTION NO. 3031**

(Representatives Drovdal, Delmore, Kempenich)  
(Senators Krauter, Urlacher)

**CHILD SUPPORT STUDY**

A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders.

**WHEREAS**, approximately 70 percent of the caseload of North Dakota courts involves issues related to family law, including divorce, custody, visitation, and child support as well as modifications to custody, visitation, and child support orders; and

**WHEREAS**, every child has a right to be guided, nurtured, and supported emotionally, physically, and financially by both parents regardless of the parents' marital status; and

**WHEREAS**, North Dakota law provides that for the purposes of determining custody, there is no presumption as to which parent will better promote the best interests of the child; and

**WHEREAS**, North Dakota law provides that each parent has a mutual duty to support a child of the parents; and

**WHEREAS**, concerns have been expressed that there are inequities in the enforcement of child custody and visitation orders and in the child support guidelines as they relate to persons who are obligors;

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

That the Legislative Council study the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders; 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-sixth Legislative Assembly.

Filed March 28, 1997

**CHAPTER 597****HOUSE CONCURRENT RESOLUTION NO. 3032**

(Representatives Maragos, Svedjan, Price)  
(Senators Kelsh, Nalewaja)

**SOCIAL SERVICES STUDY**

A concurrent resolution directing the Legislative Council to study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and persons with disabilities, including the elderly.

**WHEREAS**, North Dakota Century Code Chapter 50-06 establishes the Department of Human Services and its various components as the agency responsible for administering programs for children and families, persons with developmental disabilities, crippled children, aging services, mental health services, and alcohol and drug services; and

**WHEREAS**, Section 50-06-05.18 directs the Department of Human Services to direct and supervise county social service board activities as may be financed with funds distributed by the department; and

**WHEREAS**, Section 50-06-05 directs the Department of Human Services to carry out various human service programs and regulatory functions which the department has delegated to county social service agencies; and

**WHEREAS**, each program or function delegated to county agencies has a unique method for assuring compliance with the department's wishes; and

**WHEREAS**, the role of county government in this delivery system is often open to administrative interpretation and may vary from region to region and county to county; and

**WHEREAS**, during the 1995-96 interim the Legislative Council's Budget Committee on Human Services undertook a similar study of economic assistance programs which has led to proposals for significant changes in these programs; and

**WHEREAS**, the 1995-96 interim Budget Committee on Human Services had intended to include social services provided to children and families and persons with disabilities, including the elderly, but was unable to complete the work within the time available;

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

That the Legislative Council study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and person with disabilities, including the elderly; 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-sixth Legislative Assembly.

Filed March 18, 1997

**CHAPTER 598****HOUSE CONCURRENT RESOLUTION NO. 3033**

(Representatives Callahan, Sveen, Price, Warner)  
(Senator DeMers)

**MANAGED HEALTH CARE STUDY**

A concurrent resolution directing the Legislative Council to study the effects of managed health care on the future viability of the health care delivery system in rural North Dakota.

**WHEREAS**, the health care delivery system in rural North Dakota has been under increasing economic pressure for several years; and

**WHEREAS**, the system of health care financing is undergoing fundamental changes that may further adversely affect rural health care providers; and

**WHEREAS**, many rural areas have had a longstanding difficulty in recruiting and retaining health care personnel; and

**WHEREAS**, the continued viability of the health care delivery system in rural North Dakota is a necessary condition for economic development;

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

That the Legislative Council study the effects of managed health care on the future viability of the health care delivery system in rural 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-sixth Legislative Assembly.

Filed March 18, 1997

**CHAPTER 599****HOUSE CONCURRENT RESOLUTION NO. 3034**

(Representatives Sandvig, Weisz, Callahan)  
(Senators Krauter, Nalewaja, Thane)

**DIVORCE IMPACT ON CHILDREN STUDY**

A concurrent resolution directing the Legislative Council to study the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and child support obligations.

**WHEREAS**, 65 percent of the 1.2 million divorces in 1995 in the United States involved couples with minor children; and

**WHEREAS**, children of divorced parents are more likely to drop out of school, to have out-of-wedlock births, and to get divorced themselves than children from intact families; and

**WHEREAS**, a child has a right to be supported emotionally, physically, and financially by both parents regardless of the parents' marital status; and

**WHEREAS**, frequent and continuing access by a child to both parents after the divorce should be encouraged; and

**WHEREAS**, concerns have been expressed that there are inequities in the enforcement of visitation orders for noncustodial parents and in the child support guidelines as they relate to parents who are obligors;

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

That the Legislative Council study the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and 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-sixth Legislative Assembly.

Filed April 2, 1997

**CHAPTER 600****HOUSE CONCURRENT RESOLUTION NO. 3035**

(Representatives Grande, Christenson)

**TEACHER PROFESSIONAL PRACTICES STUDY**

A concurrent resolution directing the Legislative Council to study the criteria and the manner in which the criteria is applied by the Education Standards and Practices Board in certifying teachers, in approving teacher preparation programs, and in developing a professional code of ethics, conduct, and performance.

**WHEREAS**, the Education Standards and Practices Board is charged, by statute, with determining the criteria for and supervising the certification of teachers; and

**WHEREAS**, the Education Standards and Practices Board is charged, by statute, with setting standards for and approving teacher preparation programs; and

**WHEREAS**, the Education Standards and Practices Board is charged, by statute, with developing and revising professional codes or standards relating to the ethics, conduct, and performance of teachers; and

**WHEREAS**, the Education Standards and Practices Board is charged, by statute, with providing recommendations for teacher inservice education; and

**WHEREAS**, the citizens of this state have a vested interest in ensuring that our teachers are well educated and well prepared for the challenges of the classroom, that the background of persons seeking to be certified and currently serving as certified teachers in this state are thoroughly examined, and that our certification standards are equitably applied to all persons who wish to teach in this state;

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

That the Legislative Council study the criteria and the manner in which the criteria is applied by the Education Standards and Practices Board in certifying teachers, in approving teacher preparation programs, and in developing a professional code of ethics, conduct, and performance; 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-sixth Legislative Assembly.

Filed March 19, 1997

**CHAPTER 601****HOUSE CONCURRENT RESOLUTION NO. 3036**

(Representatives Drovdal, Carlson)  
(Senators Mathern, W. Stenehjem, Redlin)

**LELAND STENEHJEM, JR., COMMENDED**

A concurrent resolution commending Leland Stenehjem, Jr., upon his election as President of the Independent Bankers Association of America.

**WHEREAS**, Leland Stenehjem, Jr., was elected last March and is now serving as President of the Independent Bankers Association of America, a national banking association made up of over 3,000 member banks serving the communities where independent community banks operate throughout the country; and

**WHEREAS**, Leland Stenehjem, Jr., joined his late father, Leland Stenehjem, Sr., his mother Judy Stenehjem, and his brother, Steven Stenehjem, in a family banking business which was started as the Farmers State Bank in Arnegard, North Dakota, in 1910 by his grandfather and which was moved to Watford City in the 1930s and renamed First International Bank and Trust, and was the only bank in the county that survived the depression, of which brother Steven Stenehjem is now president; and

**WHEREAS**, Leland Stenehjem, Jr., has been serving as President of First International Bank & Trust of Fargo, and was recently named Banker of the Year for 1997 by the Northwestern Financial Review, a seven-state weekly banking publication; and

**WHEREAS**, Leland Stenehjem, Jr., has joined his family in bringing the commitment of community banking services to families and businesses in all parts of North Dakota and recently to Arizona; and

**WHEREAS**, Leland Stenehjem, Jr., had prepared himself for his present leadership duties by serving in the United States Army as a military aide at the White House, as Banking Commissioner of North Dakota from 1981 to 1983, as Director of the Office of Management and Budget from 1983 to 1985, and has brought the North Dakota spirit of dedication, service, and goodwill to all parts of the country in his travels as President of the association;

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

That the Fifty-fifth Legislative Assembly commends Leland Stenehjem, Jr., upon the achievement of being recognized nationally as a bank leader and as the 1997 Banker of the Year for this region; and

**BE IT FURTHER RESOLVED**, that the Secretary of State present an enrolled copy of this resolution to Leland Stenehjem, Jr.

Filed March 18, 1997

**CHAPTER 602****HOUSE CONCURRENT RESOLUTION NO. 3037**

(Representatives Schmidt, Boucher, Gulleson, D. Johnson)  
(Senators Kringstad, Urlacher)

**PROPERTY TAX RELIEF STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources.

**WHEREAS**, it is a commonly heard observation of citizens of the state that property tax burdens have increased substantially in recent years; and

**WHEREAS**, it is essential that the Legislative Assembly gather accurate information about the increase in property taxes in recent years relative to other taxes imposed in the state, funds allocated to political subdivisions by the state, and whether the property tax burden is equitably allocated; and

**WHEREAS**, analysis is required of the appropriate level of reliance to be placed on property tax revenues and whether it would benefit the citizens of the state to provide property tax relief through alternative state or local revenue sources, such as income taxes;

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

That the Legislative Council study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources; 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-sixth Legislative Assembly.

Filed March 18, 1997

**CHAPTER 603****HOUSE CONCURRENT RESOLUTION NO. 3038**

(Representatives Delmore, Hawken, Nicholas)  
(Senators St. Aubyn, W. Stenehjem, Watne)

**MOBILE HOME TAXATION STUDY**

A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives.

**WHEREAS**, questions have been raised by citizens about the equity of assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives; and

**WHEREAS**, available information indicates a lack of uniformity in assessment of mobile homes, park model trailers, and similar housing alternatives; and

**WHEREAS**, recreational vehicles are generally not subject to ad valorem taxation but may be used for the same purposes as housing alternatives that are subject to ad valorem taxation; and

**WHEREAS**, changes in housing alternatives and their uses necessitate a thorough review of law and assessment practices to assure equitable tax treatment for owners of such property;

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

That the Legislative Council study the assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives; 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-sixth Legislative Assembly.

Filed March 18, 1997

**CHAPTER 604****HOUSE CONCURRENT RESOLUTION NO. 3039**

(Representatives Brandenburg, Gulleason, Kroeplin, Nicholas)  
(Senators Christmann, Wanzek)

**INCOME TAX INCENTIVES STUDY**

A concurrent resolution directing the Legislative Council to study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing.

**WHEREAS**, value-added agricultural processing holds great promise to add strength to North Dakota's economy and to benefit the state's agricultural producers; and

**WHEREAS**, the Fifty-fifth Legislative Assembly has disapproved legislation to provide income tax incentives for investments in value-added agricultural processing businesses primarily due to concerns about the loss of income tax revenues but with a lack of reliable information on potential revenue enhancements to be derived from economic development; and

**WHEREAS**, it is essential to understanding the full impact of incentives for investments in value-added agricultural processing to obtain detailed analysis of the potential benefits in increased future general fund revenues through stimulation of the state's economy by value-added agricultural processing and the information obtained could be used to structure legislation to offset anticipated revenue losses with anticipated revenue gains;

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

That the Legislative Council study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing, with emphasis on developing legislation to offset anticipated revenue losses from investment incentives with anticipated revenue gains from economic growth; 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-sixth Legislative Assembly.

Filed March 19, 1997

**CHAPTER 605****HOUSE CONCURRENT RESOLUTION NO. 3040**  
(Representatives Christenson, Grande)**TRUANCY STUDY**

A concurrent resolution directing the Legislative Council to study the truancy laws of this state and whether there are sufficient options and alternatives available to schools and school districts that have high incidences of truancy.

**WHEREAS**, truant students often fail to understand how the educational system meets their needs; and

**WHEREAS**, truant students often fail to recognize that schools provide general education skills, vocational and life skills, and social skills, all of which are need to lead healthy, economically viable, and socially fulfilled lives; and

**WHEREAS**, truant students often fail to recognize that truancy may be a precursor to an early and permanent departure from high school; and

**WHEREAS**, there are more than 3.8 million 16- to 24-year-old high school dropouts in the United States; and

**WHEREAS**, the state has a compelling interest in ensuring that each child of school age attend school and be an active participant in the acquisition of an education;

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

That the Legislative Council study the truancy laws of this state and whether there are sufficient options and alternatives available to schools and school districts that have high incidences of truancy; 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-sixth Legislative Assembly.

Filed March 28, 1997

## CHAPTER 606

### HOUSE CONCURRENT RESOLUTION NO. 3042

(Representatives Jensen, Dorso, Boucher)  
(Senator Nalewaja)

#### DEPARTMENT OF HUMAN SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the department of human services.

**WHEREAS**, the 1981 Legislative Assembly created the Department of Human Services and consolidated the functions, powers, and duties of the Social Service Board, the Mental Health and Retardation Division of the Department of Health, the Division of Alcoholism and Drug Abuse of the Department of Health, and the State Council on Developmental Disabilities; and

**WHEREAS**, changes in federal funding, including block grants, provide the state an opportunity to change the human services delivery system; and

**WHEREAS**, the development of sophisticated computer systems and applications make information access easier and more efficient; and

**WHEREAS**, society has experienced significant changes since the consolidation and creation of the Department of Human Services, including an increase in youth-related problems, changes in family structure, changes in economic situations, a shift in population from rural to urban communities, and increases in prison populations; and

**WHEREAS**, in the area of medical services the state is experiencing increased costs, limited accessibility to services, the development of managed care options, and the deinstitutionalization of state institutions; and

**WHEREAS**, the combination of agencies was done to make more efficient the delivery of human services in North Dakota, to minimize the administrative costs of providing these services, and to eliminate the duplication of services; and

**WHEREAS**, the executive budget for the Department of Human Services for the 1997-99 biennium exceeds \$1.2 billion, of which \$342 million is from the state general fund, a complex budget providing funding for numerous organizational units making legislative analysis and oversight challenging;

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

That the Legislative Council study the Department of Human Services, including the appropriateness of a consolidated Department of Human Services in light of significant federal funding, society, and technology changes and including the changes necessary to enhance program effectiveness, legislative understanding, appropriation analysis and development, and oversight of the Department of Human 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-sixth Legislative Assembly; and

**BE IT FURTHER RESOLVED**, that the Legislative Council may contract with firms or individuals having expertise in areas related to this study, and that the Department of Human Services shall provide such assistance as the committee may request.

Filed March 28, 1997

## CHAPTER 607

### HOUSE CONCURRENT RESOLUTION NO. 3043

(Representatives Wald, Carlson, Gerntholz, Keiser, Tollefson)

#### HAIL SUPPRESSION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing hail suppression programs for the reduction of property damage in urban and rural areas and funding the programs through property and casualty line insurance premium taxes.

**WHEREAS**, county-sponsored summertime cloud seeding operations to mitigate hail damage have been conducted in North Dakota since the 1960s; and

**WHEREAS**, evaluations show strong evidence of the benefits within cloud seeding target areas, including 45 percent reductions in crop hail damage and six percent increases in wheat production; and

**WHEREAS**, the technology developed through combined research and operational efforts in this state has been and continues to be successfully applied and developed by a native North Dakota company in numerous other projects elsewhere in other states, provinces, and countries; and

**WHEREAS**, the domestic property and casualty insurance industry of Alberta, Canada, has joined with a native North Dakota company in funding and implementing a five-year pilot program for the suppression of property and casualty hail damage within major metropolitan target areas, including the cities of Calgary and Red Deer; and

**WHEREAS**, the domestic property and casualty insurance industry of this state has suffered considerable hail losses in recent years attributable to urban hailstorms in Bismarck, Grand Forks, and Minot, and as a result some insurance companies are withdrawing from the North Dakota market; and

**WHEREAS**, if hail continues to strike larger urban areas, it is likely additional insurance companies will withdraw from the North Dakota market and premiums and deductibles will continue to increase;

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

That the Legislative Council study the feasibility desirability of implementing hail suppression programs for the reduction of property damage in urban and rural areas and funding the programs through property and casualty line insurance premium taxes; 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-sixth Legislative Assembly.

Filed March 28, 1997

**CHAPTER 608****HOUSE CONCURRENT RESOLUTION NO. 3044**

(Representative Freier)  
(Senator Freborg)

**EXEMPT PROPERTY IMPACT ON SCHOOLS STUDY**

A concurrent resolution directing the Legislative Council to study the impact of tax-exempt property on school districts.

**WHEREAS**, school districts of the state are the greatest beneficiaries of property tax revenues; and

**WHEREAS**, the amount of tax-exempt property within a school district has a direct impact on tax revenues available to the district, the tax burden on taxpayers in the district, and foundation aid allocations to the district; and

**WHEREAS**, property tax exemptions may be granted by the state, county, or city without approval by the school board of the district affected; and

**WHEREAS**, analysis is required of the impact of tax-exempt property on school districts and the feasibility and desirability of reducing that impact, and of methods of providing some form of benefit to school districts from tax-exempt property owners and providing school districts with a role in approval of property tax exemptions;

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

That the Legislative Council study the impact of tax-exempt property on school districts; 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-sixth Legislative Assembly.

Filed March 19, 1997

**CHAPTER 609****HOUSE CONCURRENT RESOLUTION NO. 3045**

(Representatives Berg, Dorso)  
(Senator G. Nelson)

**PERFORMANCE REVIEW BUDGETING STUDY**

A concurrent resolution directing the Legislative Council to study the current budget process, the results of the program performance-based budgeting pilot projects, and budget reforms in other states.

**WHEREAS**, our budgeting process is intended to identify the needs of the citizens of this state; and

**WHEREAS**, other states use budgeting methods that include performance reviews to evaluate proposed budgets; and

**WHEREAS**, the citizens of this state would benefit from implementation of a budgeting method that encourages and results in focusing agency direction while allowing financial flexibility in order to meet agency objectives;

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

That the Legislative Council study the current budget process including its advantages and disadvantages; and

**BE IT FURTHER RESOLVED**, that the study review the results of the program performance-based budgeting pilot project and budgeting reforms in other states; and

**BE IT FURTHER RESOLVED**, that the study review how agency and institution appropriation balances at the end of a biennium should be handled; and

**BE IT FURTHER RESOLVED**, that the study determine the benefits that new information technology could provide in budget development and budget presentation; and

**BE IT FURTHER RESOLVED**, that the study include consideration of the effect of budget recommendations on future biennial budgets; and

**BE IT FURTHER RESOLVED**, that the study include a review of the detailed information supporting agency budget requests and the executive recommendation; and

**BE IT FURTHER RESOLVED**, that the study include a review of alternative budgeting methods that use performance reviews to evaluate proposed agency budgets; and

**BE IT FURTHER RESOLVED**, that the committee work closely with the Office of Management and Budget and the State Auditor; 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-sixth Legislative Assembly.

Filed April 2, 1997

**CHAPTER 610****HOUSE CONCURRENT RESOLUTION NO. 3046**

(Representatives Berg, Belter)

**AFFORDABLE HOUSING STUDY**

A concurrent resolution directing the Legislative Council to study the availability of affordable housing for middle income households, for the elderly, and in rural areas of this state.

**WHEREAS**, the 1995-96 interim Legislative Council study of funding to provide housing for low-income, homeless, or disabled families resulted only in a recommendation concerning zoning restrictions; and

**WHEREAS**, there is a need for home financing programs geared to provide assistance to individuals who do not qualify for either low-income programs or conventional financing; and

**WHEREAS**, there is a special demand for housing due to the increasing elderly population of this state; and

**WHEREAS**, some rural communities in this state are growing and are not able to meet the demand for housing; and

**WHEREAS**, the ability of rural communities to attract private home construction at an affordable price is hampered by the differential between the construction cost and the appraised value; and

**WHEREAS**, there are multiple agencies and organizations that provide housing and home financing, but there is no single agency to coordinate housing activities;

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

That the Legislative Council study the availability of affordable housing for middle income households, for the elderly, and in rural areas of this state; and

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

Filed March 26, 1997

**CHAPTER 611****HOUSE CONCURRENT RESOLUTION NO. 3047**

(Representatives Torgerson, Drovdal, R. Kelsch)

**SCHOOL ACCREDITATION STUDY**

A concurrent resolution directing the Legislative Council to study the current standards for the accreditation of elementary and secondary schools in this state, the method by which accreditation standards are adopted, the fiscal impact of accreditation standards, and the feasibility and desirability of waiving standards if student performance levels exceed a designated score.

**WHEREAS**, the current standards for the accreditation of elementary and secondary schools in this state were issued by the Superintendent of Public Instruction in 1991; and

**WHEREAS**, in order to comply with certain provisions of the current standards for the accreditation of elementary and secondary schools in this state, school boards are often faced with having to expend funds that could be put to greater benefit for other purposes; and

**WHEREAS**, the expenditure requirements directly or indirectly imposed by certain provisions of the current state standards for the accreditation of elementary and secondary schools prevent school boards from setting priorities and accomplishing the goals deemed important to their school districts; and

**WHEREAS**, the current state standards for the accreditation of elementary and secondary schools do not include any mechanisms for measuring the effect of the standards on academic achievement or performance; and

**WHEREAS**, the current state standards for the accreditation of elementary and secondary schools have not been revised since 1991;

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

That the Legislative Council study the current standards for the accreditation of elementary and secondary schools in this state, the method by which accreditation standards are adopted, the fiscal impact of accreditation standards, and the feasibility and desirability of waiving standards if student performance levels exceed a designated score; 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-sixth Legislative Assembly.

Filed March 28, 1997

**CHAPTER 612****HOUSE CONCURRENT RESOLUTION NO. 3049**

(Representatives Kretschmar, Dorso, Oban)

**LEGISLATIVE PROCESS STUDY**

A concurrent resolution directing the Legislative Council to study additional improvements to the legislative process that ensure an accessible, productive citizen legislature.

**WHEREAS**, the citizen legislator tradition in North Dakota should be preserved and legislative productivity and citizen access should be enhanced to deal with the increasing number and complexity of issues facing the state; and

**WHEREAS**, the critical public issues in the future may strain the capacity of a citizen legislature, particularly the return of responsibilities from the federal government to the state and the return of responsibilities from the executive branch to the legislative branch of state government; and

**WHEREAS**, it is important to build upon the past commitment to the strength of the legislative institution and to ensure that the Legislative Assembly continues as a strong, effective institution that commands wide public respect and confidence; and

**WHEREAS**, the 1995-1996 interim Legislative Management Committee continued its leadership in the work of significant improvement in the processes of the Legislative Assembly, including development of technological tools for enhancing legislative productivity, independence, and citizen access, and articulation of principles of legislative ethical behavior; and

**WHEREAS**, continued discussion among legislators, former legislators, and other citizens may be beneficial to identify the future roles, responsibilities, and steps to strengthen the legislative institution in the state;

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

That the Legislative Council study additional improvements to the legislative process that ensure an accessible, productive citizen legislature; 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-sixth Legislative Assembly.

Filed April 1, 1997

**CHAPTER 613****HOUSE CONCURRENT RESOLUTION NO. 3052**

(Representatives Tollefson, Soukup, Brown, Grosz)  
(Senators Mutch, Naaden)

**CHARITABLE PROPERTY TAX EXEMPTION STUDY**

A concurrent resolution directing the Legislative Council to study the property tax exemption for charitable organizations.

**WHEREAS**, the Constitution of North Dakota provides that property used exclusively for charitable purposes is exempt from taxation; and

**WHEREAS**, North Dakota statutes have provided property tax exemptions for property of institutions of public charity and the nature and activities of charities and amount of property owned by charities have changed substantially over the years; and

**WHEREAS**, acquisition of property by charities removes the property from the tax rolls and shifts additional tax burdens to remaining taxable property; and

**WHEREAS**, uncertainty exists regarding the appropriate interpretation of the statutory term "institutions of public charity" and whether charities should be subject to full or partial assessment of property taxes for the value of certain services provided for their benefit; and

**WHEREAS**, legislation considered by the Fifty-fifth Legislative Assembly indicated a need for thorough review of application of the property tax exemption for property of charities;

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

That the Legislative Council study the property tax exemption for charitable organizations; 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-sixth Legislative Assembly.

Filed March 19, 1997