

SENATE CONCURRENT RESOLUTIONS

CHAPTER 630

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Council)
(Budget Section)

BLOCK GRANT HEARINGS

A concurrent resolution 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 passed by Congress.

WHEREAS, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981, creating the community services block grant program; and

WHEREAS, the Legislative Assembly is required to conduct public hearings; and

WHEREAS, the Appropriations Committees have met the public hearing requirement for community services block grant moneys expected for the next biennium by the Office of Management and Budget; and

WHEREAS, the Fifty-sixth 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 2000 and thus its public hearing responsibility for grants not approved by the Fifty-sixth Legislative Assembly must be delegated to a legislative entity;

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

That the Office of Management and Budget appropriations bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grant moneys for the period ending September 30, 2001; and

BE IT FURTHER RESOLVED, that the Budget Section of the Legislative Council may hold the public legislative hearings required for the receipt of additional 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 authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-sixth Legislative Assembly through September 30, 2001, and the Budget Section may provide public notice and hold the hearings authorized by this resolution using the methods and procedures it deems appropriate.

Filed March 4, 1999

CHAPTER 631

SENATE CONCURRENT RESOLUTION NO. 4003

(Legislative Council)

(Budget Committee on Human Services)

DHS STRUCTURE AND BUDGET PRESENTATION IMPROVEMENT URGED

A concurrent resolution urging the Department of Human Services to implement recommendations to improve its administrative structure and enhance its budget presentation methods and to report to the Legislative Council and directing the Legislative Council to monitor the implementation of the recommendations.

WHEREAS, during the 1997-98 interim, the Legislative Council's Budget Committee on Human Services studied the Department of Human Services, the appropriateness of a consolidated Department of Human Services in light of significant federal funding, society, and technology changes, and the changes necessary to enhance program effectiveness, legislative understanding, appropriation analysis and development, and oversight of the department; and

WHEREAS, the committee held meetings in Fargo, Grand Forks, Minot, and Bismarck to receive public input and testimony from private providers and human service personnel; and

WHEREAS, a consultant under contract with the Legislative Council made recommendations to improve the department's administrative structure; to enhance budget development, legislative and public understanding of departmental programs and budgets, needs assessment, and client satisfaction; to establish new and innovative methods of providing services; and to improve departmental internal and external communications and state, county, and regional relationships;

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

That the Fifty-sixth Legislative Assembly recommends that the Department of Human Services develop a continuous and systematic planning process, or a strategic business plan, that includes the identification of department goals and objectives, client service needs, and strategies for service delivery; monitors performance; adjusts service delivery to provide priority client services in a cost-effective and efficient manner; and includes consideration of the following:

1. An organizational structure that reduces the executive director's span of control and improves coordination, communications, and control of staff and field services;
2. Improvement of the budget presentation to the Legislative Assembly by using "budget in brief" technology-assisted presentations, maximum use of available software, and information on an Internet web site which includes a review of the Governor's budget guidelines, identification of department goals and significant changes from the previous biennium, trend and projection analysis, executive summary of expenditures and

- revenues, and identification of specific initiatives, new programs/major modifications to existing programs, and programs and services recommended for elimination;
3. Development and use of an executive decision system that provides summary information to management and policymakers, allowing access to the information from an Internet web site or data warehousing;
 4. Identification of core and essential services, information to legislative committees, and dissemination of this information to the public;
 5. Improvement of county and private sector collaboration by emphasizing and searching for ways to involve the counties and the private sector in planning and implementing programs;
 6. Improvement of private provider relations by requiring department staff to explain payment rate calculations and audit findings to providers and by providing basic information and new rules on the department's Internet web site;
 7. Review of inspection and licensing requirements for programs and facilities to provide for consistent administration of programs, decentralizing of inspections, and retaining centralized standard setting and quality control authority;
 8. Implementation of a strategic planning, evaluation, and review capability that may include:
 - a. A budgeting, planning, and evaluation division, under the control of a newly created assistant director position, which includes quality control and research and statistics functions and provides through a new position that could be filled on a temporary basis from university personnel long-range vision and strategic planning;
 - b. An ombudsman/troubleshooter position and an enhanced public information function to provide information regarding department programs and serve as an informal appeals and complaint resolution function; and
 - c. An information resource management unit, which includes the technical eligibility computer system (TECS), to improve the quality of public and internal information;
 9. Development of an information technology master plan that supports department goals and objectives and the systematic planning process and prioritizes technology needs;
 10. Improvement of client satisfaction survey methodology and encouragement of counties and private providers to conduct client satisfaction surveys;
 11. Consolidation of the medical services and public assistance divisions, including the training, education, employment, and management (TEEM) function, into a financial and medical assistance division and the consolidation of the finance and office services and centralized collections in a management support division;

12. Merging children's special health services into the children and family services division;
13. Key person succession planning by developing department staff through the possible use of "career ladders", training incentives, and performance bonuses or obtaining executives "on detail" from the private sector and universities;
14. Review of and recommendations for implementation of other states' innovative methods of service provision;
15. Review of and recommendations regarding the Medicaid spending reduction techniques identified by the consultant and their applicability to North Dakota;
16. Child protection fund shift initiatives that are based upon shifting eligible "kinship" foster care from temporary assistance for needy families (TANF) child-only grants to foster care payments;
17. Incentives for public/private collaborative operation of integrated service centers at the district level, incorporating managed care techniques, and including a pilot project with performance goals; and
18. Supporting and assisting in the implementation of a performance management system that includes measurement criteria that assist in setting department goals, allocate and prioritize resources, and provide for a reporting on the success in meeting goals; and

BE IT FURTHER RESOLVED, that the Department of Human Services be requested to report to the Legislative Council during the 1999-2000 interim on the department's progress in implementing the recommendations and that an interim legislative committee monitor the progress of the department in this regard; 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-seventh Legislative Assembly.

Filed March 31, 1999

CHAPTER 632

SENATE CONCURRENT RESOLUTION NO. 4004

(Legislative Council)
(Budget Committee on Long-Term Care)

LONG-TERM CARE CAPACITY STUDY

A concurrent resolution directing the Legislative Council to study the possibility of creating an incentive package to assist rural communities and nursing facilities in closing or significantly reducing bed capacity and providing alternative long-term care services.

WHEREAS, North Dakota has 75.05 nursing facility beds per 1,000 elderly (age 65 and over) while the national average is fewer than 50; and

WHEREAS, North Dakota institutionalizes about 10.3 percent of its elderly population, the highest percentage in the United States; and

WHEREAS, there were 7,031 nursing facility beds available during 1996, of which 6,748 or 95.97 percent were occupied and 1,275 basic care beds available during the three-month period beginning January 1997 and ending March 1997, of which 1,061 or 83.22 percent were occupied; and

WHEREAS, Medicaid recipients occupied 56.59 percent of the nursing facility beds during 1996 and basic care assistance recipients occupied 64 percent of the basic care beds during the three-month period beginning January 1997 and ending March 1997; and

WHEREAS, the closure of a facility in a rural community can have a significant effect on the entire community similar to the loss of other local businesses, schools, hospitals, or churches; and

WHEREAS, the Task Force on Long-Term Care Planning recognizes that assistance may be needed for communities when a facility chooses to close or reduce bed capacity; and

WHEREAS, facilities in rural communities which are experiencing decreased occupancy and staffing problems usually do not have the necessary resources to develop alternatives to institutional care; and

WHEREAS, the Task Force on Long-Term Care Planning concluded that incentives and other forms of assistance should be made available to enable facilities to make the transition toward closing or to providing institutional services to fewer residents; and

WHEREAS, incentives could range from a flat payment for each bed delicensed to grants and subsidized loans for developing alternative services and involve the resources and expertise from state agencies, including the State Department of Health, Department of Human Services, Bank of North Dakota, Municipal Bond Bank, and the Department of Economic Development and Finance;

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

That the Legislative Council study the possibility of creating an incentive package to assist rural communities and nursing facilities in closing or significantly reducing bed capacity and providing alternative 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-seventh Legislative Assembly.

Filed March 2, 1999

CHAPTER 633**SENATE CONCURRENT RESOLUTION NO. 4005**

(Legislative Council)
(Legislative Management Committee)

**LEGISLATIVE REDISTRICTING LAW AND
TECHNOLOGY STUDY**

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

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

WHEREAS, the results of the 2000 federal decennial census will be available to the Legislative Assembly for redistricting purposes in 2001; and

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

WHEREAS, there have been substantial improvements in computer technology since the 1991 redistricting;

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

That the Legislative Council study the state of the law and technology with respect to legislative redistricting, including federal and state constitutional requirements based on case law, any state statutory redistricting requirements, and technological improvements that may be available to assist the Legislative Assembly with its redistricting responsibilities; 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-seventh Legislative Assembly.

Filed March 16, 1999

CHAPTER 634

SENATE CONCURRENT RESOLUTION NO. 4006

(Senators Bowman, Andrist, Christmann, Heitkamp)
(Representatives Kempenich, Meyer)

STATE AGENCY TRANSFER TO RURAL AREAS STUDY

A concurrent resolution directing the Legislative Council to study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas.

WHEREAS, the state of North Dakota rents office space for several of its agencies and institutions; and

WHEREAS, the state should periodically evaluate office space needs and the cost of renting office space; and

WHEREAS, technological advances allow employees to conduct their work from offices outside the capitol building, including offices in rural areas where building rents may be less expensive;

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

That the Legislative Council study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas; 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-seventh Legislative Assembly.

Filed March 2, 1999

CHAPTER 635**SENATE CONCURRENT RESOLUTION NO. 4008**

(Senator G. Nelson)
(Representative Dorso)

**TOBACCO SETTLEMENT RECOUPMENT
PROHIBITION URGED**

A concurrent resolution urging Congress and the Clinton Administration to recognize state interests and enact legislation that would prohibit the federal Department of Health and Human Services from recouping the tobacco settlement funds as third-party recoveries under Medicaid law.

WHEREAS, in November 1998, 46 states agreed to a historic settlement with the tobacco industry, which ended a four-year battle with the industry over treatment costs states have incurred for smoking-related illnesses; and

WHEREAS, the 46 states could receive up to \$196 billion over a 25-year period, including disbursements totaling over \$717 million to the state of North Dakota; and

WHEREAS, the Master Settlement Agreement does not restrict or earmark the settlement, therefore the general belief is that the funds may be appropriated according to state law; and

WHEREAS, the decision for states now is how to best use the money; and

WHEREAS, the federal Department of Health and Human Services contends that existing Medicaid law (Section 1903(d) of the Social Security Act) compels it to recover its share of third-party payments, collected by states on behalf of Medicaid clients, and argues further that state tobacco settlement funds are third-party recoveries under the provisions of the Medicaid statute;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States and the Clinton Administration to recognize state interests and enact legislation that would prohibit the federal Department of Health and Human Services from recouping the tobacco settlement funds as third-party recoveries under Medicaid law; and

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

Filed February 2, 1999

CHAPTER 636**SENATE CONCURRENT RESOLUTION NO. 4014**

(Senator W. Stenehjem)
(Representative DeKrey)

**INDIGENT DEFENDANT AND PUBLIC DEFENDER
SYSTEM STUDY**

A concurrent resolution directing the Legislative Council to study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system.

WHEREAS, increased criminal penalties, mandatory sentences, and creation of new criminal offenses contribute to the increased cost of enforcing such laws, including the costs of providing legal representation for indigent criminal defendants; and

WHEREAS, costs associated with the indigent defense contract system administered by the judicial branch continue to increase in greater proportion than most other costs of the judicial branch; and

WHEREAS, the current indigent defense contract system poses troubling, conflict-related issues concerning judge involvement in deciding when criminal defense expenses, such as expert witnesses, should be allowed while also presiding in cases involving indigent criminal defendants; and

WHEREAS, the Legislative Assembly last considered the establishment of a public defender system during the 1973 and 1975 legislative sessions and the dynamics and requirements regarding criminal defense services for indigents have changed considerably since that time;

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

That the Legislative Council study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender 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-seventh Legislative Assembly.

Filed March 18, 1999

CHAPTER 637**SENATE CONCURRENT RESOLUTION NO. 4015**

(Senators Nething, B. Stenehjem)
(Representative Carlisle)

ADULT CORRECTIONAL SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the adult correctional system in North Dakota, including its functions, responsibilities, funding, and operation, and the causes of past and projected future increases in the state's adult inmate population, including the impact of sentencing laws.

WHEREAS, the Legislative Council has not conducted a comprehensive study of the functions, responsibilities, funding, and operation of the state's adult correctional system since the 1977-78 interim; and

WHEREAS, the Legislative Council has not conducted a comprehensive study of adult correctional facility needs since the 1979-80 interim; and

WHEREAS, the prison population in North Dakota has increased by over 60 percent from 1993 to 1998; and

WHEREAS, state general fund appropriations to the Department of Corrections and Rehabilitation have increased by over 50 percent from the 1993-95 biennium to the 1997-99 biennium; and

WHEREAS, the number of adult drug offenders incarcerated in North Dakota has increased by over 460 percent from 1993 to 1998; and

WHEREAS, the Legislative Assembly has enacted numerous changes to sentencing laws in North Dakota since 1993; and

WHEREAS, treatment and other programs that provide alternatives to incarceration may reduce the number of inmates and reduce recidivism;

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

That the Legislative Council study the adult correctional system in North Dakota, including its functions, responsibilities, funding, and operation, and the causes of past and projected future increases in the state's adult inmate population, including the impact of sentencing laws; and

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

Filed March 16, 1999

CHAPTER 638**SENATE CONCURRENT RESOLUTION NO. 4018**

(Senators Kroeplin, Krauter, T. Mathern)
(Representatives Grumbo, Kerzman, Lemieux)

**MEAT AND GRAIN INDUSTRY CONCENTRATION
REVIEW URGED**

A concurrent resolution urging Congress to address concentration and consolidation in the meat and grain industries so farmers and ranchers can compete fairly and profitably.

WHEREAS, the three largest meat packers, IBP, Cargill's Excel Corporation, and Con Agra's Monfort, control almost 80 percent of the cattle slaughter market; and

WHEREAS, the pending merger of Cargill and Continental Grain company would result in a single entity controlling over 40 percent of all United States corn exports, 33 percent of all soybean exports, and at least 20 percent of all wheat exports; and

WHEREAS, the owners of numerous small to medium size farms and ranches are being driven out of business by anticompetitive forces that control the markets and restrict farm income; and

WHEREAS, concentration and consolidation in the meat and grain industries drives out competition in smaller local markets and has far-reaching economic implications for consumers as well as agricultural producers;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to address concentration and consolidation in the meat and grain industries so farmers and ranchers can compete fairly and profitably; and

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

Filed March 19, 1999

CHAPTER 639**SENATE CONCURRENT RESOLUTION NO. 4019**

(Senator Bowman)

**MOTOR VEHICLE SERVICES PLACEMENT WITH
COUNTY TREASURER STUDY**

A concurrent resolution directing the Legislative Council to study the placement of motor vehicle license, registration, title, and excise tax collection services in the treasurer's office of each county in this state.

WHEREAS, motor vehicle license, registration, title, and excise tax collection services are a state function administered by the department of transportation; and

WHEREAS, the ownership and operation of motor vehicles is pervasive and essential to the lives and livelihoods of the residents of this state; and

WHEREAS, residents may have to travel in excess of fifty miles to obtain motor vehicle license and registration services; and

WHEREAS, local administration of motor vehicle services would provide income to the counties, disperse jobs throughout this state, and provide efficient and convenient services to the residents 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 placement of motor vehicle license, registration, title, and excise tax collection services in the treasurer's office of each county in this state; and

BE IT FURTHER RESOLVED, that the study include consideration of providing for county placement on a pilot project basis; 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-seventh Legislative Assembly.

Filed March 19, 1999

CHAPTER 640

SENATE CONCURRENT RESOLUTION NO. 4020

(Senators Krauter, T. Mathern, Thompson)
(Representatives Lundgren, Metcalf, Nowatzki)

AGRICULTURAL REFORMS URGED

A concurrent resolution urging Congress to assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing the cap on marketing loans, and by reforming crop insurance so that farmers experiencing multiyear disasters could have access to adequate coverage.

WHEREAS, farm families and rural communities are suffering an economic downturn similar to the farm crisis of the 1980s; and

WHEREAS, farmers in this state have had to contend with prolonged periods of disastrous weather and crop disease; and

WHEREAS, farmers in this state are experiencing declining crop insurance coverage, thereby further reducing their ability to mitigate against disasters; and

WHEREAS, the 1996 farm bill replaced the previous system of farm income protection with a set of fixed, but declining, payments unrelated to commodity prices and capped commodity marketing loan rates; and

WHEREAS, removing the cap on the marketing loans and extending the loan terms would provide a way to channel much-needed financial resources to farmers, would protect farm prices without distorting the market, and would provide farmers with market flexibility; and

WHEREAS, prohibiting the use of unilateral economic sanctions that hinder the export of agricultural products would reduce financial harm to farmers in this state;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing the cap on marketing loans, and by reforming crop insurance so that farmers experiencing multiyear disasters could have access to adequate coverage; and

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

Filed March 19, 1999

CHAPTER 641**SENATE CONCURRENT RESOLUTION NO. 4021**

(Senators Krauter, Bercier, Kelsh, Kinnoin, T. Mathern)
(Representative Fairfield)

NAFTA RENEGOTIATION URGED

A concurrent resolution urging Congress to renegotiate the North American Free Trade Agreement and address tariff equalization, increased market access, sanitary and phytosanitary disputes, and methods to facilitate and shorten dispute resolution procedures.

WHEREAS, the North American Free Trade Agreement created the world's largest free trade zone with 360 million consumers; and

WHEREAS, when the North American Free Trade Agreement was to be enacted, our farmers and ranchers were promised a new golden age of expanding trade opportunities, vast new markets for their products and capital and investment in their communities, protection from any potentially adverse effects that might be generated by the North American Free Trade Agreement through safeguard tariff provisions, and provisional relief from dumping actions through adjudication from the International Trade Commission; and

WHEREAS, safeguard tariff provisions have not stopped the flood of Canadian and Mexican agricultural products into the United States markets, and the International Trade Commission has failed to conduct the monitoring of trade conditions as it had been directed to do by the North American Free Trade Agreement;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to renegotiate the North American Free Trade Agreement and address tariff equalization, increased market access, sanitary and phytosanitary disputes, methods to facilitate and shorten dispute resolution procedures; and

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

Filed April 13, 1999

CHAPTER 642

SENATE CONCURRENT RESOLUTION NO. 4024

(Senators T. Mathern, G. Nelson)
(Representatives Boucher, Dorso)

SAKAKAWEA STATUE FOR NATIONAL STATUARY HALL DESIGNATION

A concurrent resolution designating Sakakawea to be honored and memorialized with a statue in the National Statuary Hall in the United States Capitol in Washington, D.C.

WHEREAS, Sakakawea was a traveler and guide, a translator, a diplomat, and a wife and mother; and

WHEREAS, Sakakawea was an Indian woman guide for Meriwether Lewis and William Clark and Sakakawea's indomitable spirit was a deciding factor in the success of Lewis and Clark's two-year expedition to the northwest quadrant of the United States; and

WHEREAS, William Clark wrote in 1806 that Sakakawea deserved a greater reward for her attention and services on the expedition than he had in his power to give her; and

WHEREAS, Sakakawea is a legend of truly historic dimensions who lived in what would later become North Dakota and who made a lasting contribution through her courage and resourcefulness; and

WHEREAS, Sakakawea's traits - strength, courage, a generous heart, and pioneering spirit - have been an essential part of the character found in North Dakotans, thereby representing the best of who we are and why we will always persevere;

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

That the Fifty-sixth Legislative Assembly designate Sakakawea to be honored and memorialized with a statue in the National Statuary Hall in the United States Capitol in Washington, D.C.; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the chairman of each Indian tribe in this state, to each member of the North Dakota Congressional Delegation, and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

Filed March 18, 1999

CHAPTER 643**SENATE CONCURRENT RESOLUTION NO. 4025**

(Senators Lyson, Kelsh, Wanzek)
(Representatives Drovdal, Rennerfeldt, Solberg)

FARM SERVICE AGENCY ANALYSIS URGED

A concurrent resolution urging Congress to analyze the operating environment of the Farm Service Agency and ensure that attempts at efficiency recognize customer needs and expectations.

WHEREAS, the Secretary of Agriculture has required that there be significant reductions in the United States Department of Agriculture staff at the national, state, and local levels; and

WHEREAS, between 1993 and 1996, federal staff in Farm Service Agency offices was reduced by 16 percent and county staff was reduced by 15 percent; and

WHEREAS, before 1993, the Farm Service Agency offices had 14,953 nonfederal staff, and by the year 2002, there will be only 4,879 nonfederal staff for county offices, or a reduction of 66 percent; and

WHEREAS, the decline in staff is greater than the anticipated decline in workload; and

WHEREAS, in seeking efficiencies, the Secretary of Agriculture has determined that it is preferable to have fewer and larger offices that allow for more specialized services and greater economies of scale; and

WHEREAS, this state has been notified of the intention to maintain only three guaranteed loanmaking and servicing centers - one in Fargo, one in Minot, and one in Bismarck; and

WHEREAS, this proposed organizational plan must consider the unique demographics of this state to be efficient and practicable for our citizens;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to analyze the operating environment of the Farm Service Agency and ensure that attempts at efficiency recognize customer needs and expectations; and

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

Filed March 19, 1999

CHAPTER 644

SENATE CONCURRENT RESOLUTION NO. 4026

(Senators T. Mathern, Heitkamp, G. Nelson)
(Representatives Boucher, Dorso)

DAKOTA WATER RESOURCES ACT ENACTMENT URGED

A concurrent resolution urging Congress to enact the Dakota Water Resources Act.

WHEREAS, North Dakota lost more than 500,000 acres of valuable river bottom lands as a result of construction of the Missouri River reservoirs under the federal Flood Control Act of 1944, causing an annual loss of millions of dollars in economic activity as well as other serious impacts to individuals, political subdivisions, and the state's Indian Nations; and

WHEREAS, operation of the Pick-Sloan Missouri River dams has caused extensive damage and erosion to the remaining riverbanks and sediment buildup in areas of the upper reaches of the Oahe and Garrison reservoirs; and

WHEREAS, North Dakota was assured by Congress in the federal Flood Control Act of 1944 that the loss of this valuable land and economic return would be offset by completion of the Garrison Diversion Unit; and

WHEREAS, project beneficiaries have not realized the promise of the Garrison Diversion Unit; and

WHEREAS, construction of the Garrison Diversion Unit has been delayed numerous times with construction costs increasing and the remaining benefits deferred with each delay; and

WHEREAS, the Red River Basin needs a dependable supply of water for the cities of Fargo and Grand Forks, smaller communities, rural water systems, industry, agricultural processing, manufacturing, and other purposes, and to protect and enhance the economic stability and quality of life for the growing population of the Red River Basin; and

WHEREAS, failure to provide long-term water supply and management across North Dakota will jeopardize future economic opportunities dependent on water, including industry, agricultural processing, manufacturing, municipal growth, recreation, and fish and wildlife, and will adversely affect the entire state; and

WHEREAS, primary sources of water for many communities across North Dakota are unsafe and of poor quality and a safe, reliable supply of water is necessary to preserve and improve the quality of life in rural North Dakota; with these supplies being provided by projects such as the Southwest Water Pipeline and the Northwest Area Water Supply Project, as well as other systems now being developed to meet water supply needs; and

WHEREAS, the Dakota Water Resources Act will identify the most appropriate method to deliver a safe, reliable, and affordable supply of water to

eastern North Dakota to address the significant water needs of the Red River Valley; and

WHEREAS, the Dakota Water Resources Act has received broad support from the state's Indian Nations and communities and organizations across North Dakota in testimony presented in hearings before the United States Senate and the United States House of Representatives;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to enact the Dakota Water Resources Act; and

BE IT FURTHER RESOLVED, that the Legislative Assembly supports the efforts of the Governor, the Congressional Delegation, legislative leaders, tribal chairmen, and others who worked together with other interested parties to reach consensus on legislation to complete the Garrison Diversion Unit Project; and

BE IT FURTHER RESOLVED, that the Legislative Assembly urges prompt enactment of the Dakota Water Resources Act to achieve the goal of improving the long-term water supply of North Dakota; and

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

Filed March 19, 1999

CHAPTER 645

SENATE CONCURRENT RESOLUTION NO. 4027

(Senators Tomac, Christmann, Freborg, Kilzer)
(Representatives Grosz, Mahoney)

MISSOURI RIVER ISSUES STUDY

A concurrent resolution directing the Legislative Council to study issues related to the Missouri River in North Dakota.

WHEREAS, the Flood Control Act of 1944, as amended, assured benefits to all 10 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 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 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 water table 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 150 homes, industrial development, and valuable farmland around Lake Oahe; and in the headwaters area of Lake Sakakawea, the delta is endangering the Buford-Trenton irrigation district, 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 the Fort Peck Dam in Montana and Lake Sakakawea; and

WHEREAS, the Missouri River will continue to change without additional bank stabilization; and

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

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

That the Legislative Council study issues related to the Missouri River in North Dakota; and

BE IT FURTHER RESOLVED, that the study include an examination of the Pick-Sloan Missouri Basin program, the United States Army Corps of Engineers' master plan, land and natural resource issues, water management, bank stabilization, land use, and development of a long-range vision for the Missouri River in North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Council in conducting the study seek input from the Missouri River Coordinated Resource Management Program and the Corps of Engineers; 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-seventh Legislative Assembly.

Filed March 31, 1999

CHAPTER 646**SENATE CONCURRENT RESOLUTION NO. 4028**

(Senators Tomac, Christmann, Freborg, Kilzer)
(Representatives Grosz, Mahoney)

PICK-SLOAN MASTER MANUAL REVISIONS URGED

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 10 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 \$16.7 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 \$70 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 riverbanks 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 waterflows 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 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-sixth Legislative Assembly requests the United States Army Corps of Engineers to respect the large sacrifice North Dakota has made in order that 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 conservation of water to enhance recreation, power generation, and the total economic benefits of the Pick-Sloan Project; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers, in its master manual, delay any unnecessary high water releases on the free-flowing reaches of the Missouri River, which cause the unnecessary loss of valuable land and an increase in flood damage, until such time when the riverbanks are protected; 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, the reduction of bank erosion, recreation, and flood control in the free-flowing stretches of the Missouri River; and

BE IT FURTHER RESOLVED, that the Governor, members of the North Dakota Congressional Delegation, 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 be 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 and interests on 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 19, 1999

CHAPTER 647

SENATE CONCURRENT RESOLUTION NO. 4029

(Senators Tomac, Andrist)

REFUGE REVENUE FULL PAYMENTS URGED

A concurrent resolution urging the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program.

WHEREAS, the United States Fish and Wildlife Service manages 62 national wildlife refuges in North Dakota; and

WHEREAS, North Dakota has more national wildlife refuges located within its borders than does any other state; and

WHEREAS, the United States Fish and Wildlife Service owns and manages approximately 210,000 acres of wildlife refuges in fee and 250,000 acres of waterfowl production areas in fee in North Dakota; and

WHEREAS, North Dakota recognizes the value of these publicly owned lands as wildlife habitat and for wildlife dependent recreation; and

WHEREAS, the United States Fish and Wildlife Service refuge revenue sharing program payments to counties have steadily decreased from 100 percent of entitlement in 1980 to approximately 66 percent of entitlement in 1998; and

WHEREAS, the United States Fish and Wildlife Service requested funding for a full entitlement in 1998, but the amount of the entitlement was reduced by the Department of the Interior; and

WHEREAS, the Congress of the United States has not budgeted for full entitlement of the refuge revenue sharing program since 1980; and

WHEREAS, the deficit in refuge revenue sharing program payments represents a real economic hardship to many counties and citizens in North Dakota; and

WHEREAS, the difference between full entitlement and actual payments made to counties in North Dakota for 1998 was approximately \$224,000; and

WHEREAS, local concerns over the deficit in refuge revenue sharing program payments creates opposition to United States Fish and Wildlife Service land acquisition, land management activities, and other Fish and Wildlife Service programs; and

WHEREAS, state agencies such as the North Dakota Game and Fish Department and organizations such as the North Dakota Wetlands Trust and the Nature Conservancy, which pay actual taxes on the lands they own or manage, suffer criticism of and opposition to their programs as the result of concerns over the refuge revenue sharing program deficit; and

WHEREAS, it would be in the best interests of wildlife conservation, county government, local entities, landowners, and outdoor recreationists if the United States Fish and Wildlife Service made full refuge revenue sharing program payments;

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

That the Fifty-sixth Legislative Assembly urges the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program; and

BE IT FURTHER RESOLVED, that the North Dakota Legislative Assembly urges the North Dakota Congressional Delegation to seek and support appropriations providing full entitlement payments for the refuge revenue sharing program; and

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

Filed April 13, 1999

CHAPTER 648**SENATE CONCURRENT RESOLUTION NO. 4030**

(Senator G. Nelson)
(Representative Dorso)

INDUSTRIAL COMMISSION STUDY

A concurrent resolution directing the Legislative Council to study the management responsibilities of the Industrial Commission, the mission and location of each entity within and under the direction of the Industrial Commission, the membership of the Industrial Commission, and the voting structure of the Industrial Commission.

WHEREAS, the Industrial Commission is responsible for managing the Bank of North Dakota and the North Dakota Mill and Elevator Association; and

WHEREAS, the Industrial Commission also directs the operation of the Municipal Bond Bank, the North Dakota Housing Finance Agency, the Oil and Gas Division, the Geological Survey, the North Dakota Building Authority, and the Lignite Research Council; and

WHEREAS, the entities under the direction of the Industrial Commission are diverse in purpose and involve the supervision and expenditure of hundreds of millions of dollars in state funds; and

WHEREAS, the Governor, Attorney General, and Agriculture Commissioner each have varied responsibilities as members of the Industrial Commission; and

WHEREAS, legislation throughout the years has raised questions regarding the management responsibilities, membership, and voting structure of the commission; and

WHEREAS, because the Attorney General serves the dual roles of member of the Industrial Commission and legal counsel for the commission, the responsibilities of these roles may conflict at times;

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

That the Legislative Council study the management responsibilities of the Industrial Commission, the mission and location of each entity within and under the direction of the Industrial Commission, the membership of the Industrial Commission, and the voting structure of the Industrial Commission; 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-seventh Legislative Assembly.

Filed March 18, 1999

CHAPTER 649**SENATE CONCURRENT RESOLUTION NO. 4031**

(Senators Cook, Flakoll, Kelsh, O'Connell, Redlin, Wanzek)

SPECIAL EDUCATION SERVICE FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the method by which the state funds special education services.

WHEREAS, Public Law 94-142 requires that all children with disabilities have available to them a free appropriate public education; and

WHEREAS, Public Law 94-142 requires that a child with disabilities be educated in the least restrictive environment; and

WHEREAS, Public Law 94-142 requires that a child with disabilities be removed from the regular classroom only when the nature or severity of the disability is such that education in that setting cannot be achieved satisfactorily, even with the use of supplementary aids; and

WHEREAS, Public Law 94-142 requires that a child with disabilities be educated in the school that the child would attend if not disabled, unless the child's individual education program requires an alternative placement; and

WHEREAS, funding by the Legislative Assembly for special education has increased from \$24,176,529 for the 1987-89 biennium to \$40,550,000 for the 1997-99 biennium; and

WHEREAS, many urban school districts are experiencing a significant increase in special education expenditures as families relocate to obtain the best available services;

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

That the Legislative Council study the method by which the state funds special education 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-seventh Legislative Assembly.

Filed March 19, 1999

CHAPTER 650**SENATE CONCURRENT RESOLUTION NO. 4032**

(Senators W. Stenehjem, T. Mathern, G. Nelson)
(Representatives Boucher, Dorso)

FAMILY LAW STUDY

A concurrent resolution directing the Legislative Council to study the family law process in North Dakota with a focus on a review of existing statutes, the coordination of procedures, and the further implementation of alternative dispute resolution methods.

WHEREAS, more than half of all civil actions filed in district courts involve domestic relations cases, including divorce, separation, adult abuse, custody proceedings, support actions, adoptions, and paternity proceedings; and

WHEREAS, the existing judicial system provides for an adversarial proceeding for domestic relations cases which often compounds the negative impact of family dissolutions; and

WHEREAS, constituents have expressed broad-based concerns regarding the existing family law system; and

WHEREAS, the statutes governing domestic relations are in need of updating and coordination; and

WHEREAS, the Joint Family Law Task Force of the State Bar Association has considerable expertise and knowledge of court procedures and alternative systems in North Dakota and in other jurisdictions; and

WHEREAS, the Joint Family Law Task Force of the State Bar Association has offered its assistance in conducting the study;

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

That the Legislative Council study the family law process in North Dakota with a focus on a review of existing statutes, the coordination of procedures, and the further implementation of alternative dispute resolution methods; and

BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Council consider conducting meetings with the Joint Family Law Task Force of the State Bar Association; and

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

Filed March 16, 1999

CHAPTER 651

SENATE CONCURRENT RESOLUTION NO. 4033

(Senators Krauter, Bowman, Lyson)
(Representatives Froelich, Kempenich, Lundgren)

OUTMIGRATION STUDY

A concurrent resolution directing the Legislative Council to study outmigration of North Dakota residents.

WHEREAS, between 1990 and 1997, fourteen of North Dakota's counties have experienced a decrease in population of over 10 percent; and

WHEREAS, the United States Census Bureau estimates that between July 1, 1997, and July 1, 1998, North Dakota's population decreased by over 2,700, which translated into a -.4 percent decrease, the largest percentage decrease among the 50 states; and

WHEREAS, North Dakota's neighboring states have experienced increases in population between 1990 and 1998 ranging from approximately six to 10 percent;

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

That the Legislative Council study outmigration of North Dakota 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-seventh Legislative Assembly.

Filed April 16, 1999

CHAPTER 652**SENATE CONCURRENT RESOLUTION NO. 4034**

(Senators Kroeplin, Klein, Tomac)
(Representatives Aarsvold, Brandenburg, Nicholas)

FARM COOPERATIVE STRUCTURE STUDY

A concurrent resolution directing the Legislative Council to study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development.

WHEREAS, North Dakota's rural population reached its peak in the decade of the 1920s and has been on a continuous decline and is still declining; and

WHEREAS, North Dakota ranks fourth in the nation in the percentage of economic base derived from agriculture at thirty-eight percent; and

WHEREAS, twenty-five percent of North Dakota's population is employed directly by agriculture or in an agriculture-related business, and the state must recognize that the health of the agricultural economy cannot be left to chance; and

WHEREAS, livestock production annually generates about ninety million dollars in direct impact to the North Dakota economy; and

WHEREAS, North Dakota has a competitive advantage over other livestock areas because of the availability of plentiful feed supplies;

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

That the Legislative Council study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development; 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-seventh Legislative Assembly.

Filed March 19, 1999

CHAPTER 653

SENATE CONCURRENT RESOLUTION NO. 4036

(Senators Bercier, T. Mathern, Mutzenberger, Thane, Thompson)
(Representative Boucher)

INDIAN TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STUDY

A concurrent resolution directing the Legislative Council to study the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state.

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 provides the state of North Dakota with an annual temporary assistance for needy families block grant to assist needy families so that children may be cared for in their own homes or in the homes of relatives; and

WHEREAS, the temporary assistance for needy families block grant allows states some flexibility in the design of the program; and

WHEREAS, the temporary assistance for needy families block grant requires recipients of assistance to meet certain work requirements and limits the number of months an adult may receive such assistance; and

WHEREAS, an increasing percent of the recipients of assistance under the temporary assistance for needy families block grant in North Dakota are members of a federally recognized Indian tribe; and

WHEREAS, a large portion of these individuals resides on Indian reservations within the state; and

WHEREAS, the Indian reservations are located in the rural areas of the state and are economically depressed with an unemployment rate approaching sixty percent according to the Bureau of Indian Affairs; and

WHEREAS, while federal law requires states to disregard the months of assistance received by an adult while living on an Indian reservation with at least fifty percent unemployment, a question has arisen as to the method to be used to determine unemployment rate statistics; and

WHEREAS, the effective coordination and cooperation between the state, tribes, and local governments are critical to the success of welfare, job and workforce training, and economic development programs;

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 the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state; and

BE IT FURTHER RESOLVED, that the Legislative Council, in conducting its study, evaluate the impact of the temporary assistance for needy families program on the federally recognized Indian tribes within the state; and

BE IT FURTHER RESOLVED, that the Legislative Council, in conducting its study, evaluate the use of the Bureau of Indian Affairs unemployment rate statistics to determine if adults within an Indian reservation are exempt from the state's lifetime limit under the temporary assistance for needy families program and evaluate and consider other methods of determining the unemployment rate specifically as it applies to those areas; and

BE IT FURTHER RESOLVED, that the Legislative Council review the process through which the Department of Human Services receives input from local governments and the federally recognized Indian tribes within the state; and

BE IT FURTHER RESOLVED, that the Legislative Council study how state-sponsored economic development, job training, and workforce training programs can be coordinated between the state and federally recognized Indian tribes within the state; and

BE IT FURTHER RESOLVED, that the Legislative Council consider the impact of tribal sovereignty on economic development and the implementation of the temporary assistance for needy families program in areas under the jurisdiction of federally recognized Indian tribes within the state; and

BE IT FURTHER RESOLVED, that the Legislative Council, in conducting its study, request input from members of the federally recognized Indian tribes within the state and from officials of the government of those tribes, especially tribal officials involved with human services and economic development programs; and

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

Filed April 6, 1999

CHAPTER 654**SENATE CONCURRENT RESOLUTION NO. 4037**

(Senator W. Stenehjem)
(Representatives Kliniske, Poolman)

STUDENT HEALTH SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education.

WHEREAS, student health services at institutions of higher education under the control of the State Board of Higher Education are maintained by the assessment of student health services fees; and

WHEREAS, by spreading the cost of providing basic health services over a large number of university students, student health fees conceptually ensure continued service at a reasonable price; and

WHEREAS, the cost of maintaining student health services at institutions of higher education under the control of the State Board of Higher Education continues to escalate; and

WHEREAS, there is fear that the increase in student fees which will be necessary to maintain student health services at institutions under the control of the State Board of Higher Education may be prohibitively high;

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

That the Legislative Council study the maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education; and

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

Filed March 25, 1999

CHAPTER 655**SENATE CONCURRENT RESOLUTION NO. 4038**

(Senators Flakoll, Freborg, Holmberg, Wardner)
(Representatives Hawken, N. Johnson)

**SCHOOL DISTRICT ENDOWMENT FUND USAGE
STUDY**

A concurrent resolution directing the Legislative Council to study options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching funds.

WHEREAS, each school district in this state strives to provide a quality education to its students; and

WHEREAS, each school district in this state struggles to find the funding that will allow the provision of a quality education to its students; and

WHEREAS, endowment funds have long been used at institutions of higher education; and

WHEREAS, endowment funds with a matching component could create a steady source of revenue for a school district; and

WHEREAS, 90 percent of the endowment's interest could be made available to the school district each year, with 50 percent of the funds supplementing teacher salaries and 50 percent supporting teacher enhancement programs and bonuses for teachers; and

WHEREAS, 10 percent of the endowment's interest could be partially used for administrative expenses and the remainder could be retained in the fund; and

WHEREAS, the state could match the first \$5,000 of any amount donated by an individual or a business entity, up to an annual limit of no more than \$25,000 per donor;

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

That the Legislative Council study options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching 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-seventh Legislative Assembly.

Filed March 19, 1999

CHAPTER 656

SENATE CONCURRENT RESOLUTION NO. 4039

(Senators Lindaas, W. Stenehjem, Tomac)
(Representatives Aarsvold, Maragos, Wald)

NONRESIDENT STUDENT RECRUITMENT STUDY

A concurrent resolution directing the Legislative Council to study methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs.

WHEREAS, the citizens of this state have long valued their access to quality and affordable higher education; and

WHEREAS, the citizens of this state have long valued the unique features and specific strengths of each public institution of higher education; and

WHEREAS, the public institutions of higher education in this state have experienced steady student enrollments during the past decade; and

WHEREAS, the number of students in grades 1 through 12 in this state has decreased by 4,700 during the past five years; and

WHEREAS, the number of students in grades 1 through 12 in this state is expected to decrease by another 2,000 during each of the next 10 years; and

WHEREAS, the decreasing number of students in grades 1 through 12 in this state will have an economic impact on the institutions of higher education unless actions are taken to counteract the declining numbers; and

WHEREAS, while this state is contending with decreasing enrollments at the elementary, secondary, and postsecondary levels, other states are contending with dramatically increasing enrollments at all three levels; and

WHEREAS, each public institution of higher education has a minimum number of students required for its efficient utilization; and

WHEREAS, many out-of-state students remain in this state after they graduate; and

WHEREAS, it would be in the best interest of the public institutions of higher education in this state if they encouraged qualified students from out of state to enroll in programs currently operated at less than maximum or optimal capacity; and

WHEREAS, additional out-of-state students will generate positive economic effects for this state;

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

That the Legislative Council study methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs; and

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

Filed March 19, 1999

CHAPTER 657**SENATE CONCURRENT RESOLUTION NO. 4040**

(Senators Wanzek, Christmann, Tomac)
(Representatives Belter, Meyer, Nicholas)

AGRICULTURAL RETIREMENT FUND STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund.

WHEREAS, a safe and secure source of retirement funds to supplement Social Security benefits is essential to a quality retirement; and

WHEREAS, investment in agricultural real estate is the major retirement investment and the source of retirement security for many farmers and ranchers; and

WHEREAS, a safe and secure retirement for the state's farmers and ranchers is essential to the general welfare and prosperity of this state; and

WHEREAS, many farmers and ranchers do not have sufficient disposable income to fund an individual retirement account, a retirement plan for self-employed individuals, or a similar account or plan established pursuant to federal law; and

WHEREAS, at retirement, the net worth of many farmers and ranchers is tied up in nonliquid assets such as land and machinery and thus is not available to fund a quality retirement;

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 mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund; and

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

Filed March 19, 1999

CHAPTER 658**SENATE CONCURRENT RESOLUTION NO. 4041**

(Senators Wanzek, Tomac)
(Representatives Belter, Meyer, Nicholas)

**AGRICULTURAL BUSINESS INVESTMENT INCENTIVE
STUDY**

A concurrent resolution directing the Legislative Council to study potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership.

WHEREAS, it is the intent of the Legislative Assembly that North Dakota becomes the trusted provider of the highest-quality food in the world with prosperous family farms, thriving rural communities, and world-class stewardship of resources and to significantly increase net farm income, improve the quality of rural life, and increase North Dakota's rural population; and

WHEREAS, the Legislative Assembly seeks to achieve these goals by making North Dakota agricultural products synonymous with high quality to dominate the premium markets, increasing value-added agricultural processing, diversifying and increasing the value of agricultural production, increasing farm and nonfarm cooperation that supports thriving rural communities and enhances our natural resources, and creating a political, regulatory, economic, trade, financial, and natural resource environment in which North Dakota producers can compete in the global marketplace;

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

That the Legislative Council study potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership; 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-seventh Legislative Assembly.

Filed March 16, 1999

CHAPTER 659**SENATE CONCURRENT RESOLUTION NO. 4042**

(Senators G. Nelson, Freborg)

ACADEMIC STANDARDS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level.

WHEREAS, research has shown that a majority of American citizens support setting and enforcing consistent academic standards that prompt students from all socioeconomic backgrounds to achieve at higher levels; and

WHEREAS, states are using a myriad of strategies to develop and implement academic standards; and

WHEREAS, to be effective academic standards must be accompanied by assessments that measure students' progress toward attaining the standards; and

WHEREAS, the Superintendent of Public Instruction has developed various voluntary academic standards, and a legislative study should be conducted before further development of academic standards;

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 developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level; and

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

Filed March 19, 1999

CHAPTER 660**SENATE CONCURRENT RESOLUTION NO. 4043**

(Senators Watne, St. Aubyn)

VOTER REGISTRATION STUDY

A concurrent resolution directing the Legislative Council to study voter registration.

WHEREAS, North Dakota is the only state that does not require qualified electors to register to vote; and

WHEREAS, proponents of voter registration contend that the likelihood of voter fraud would be reduced if electors were required to register prior to elections; and

WHEREAS, because North Dakota has no voter registration requirements, the state is currently exempt from the National Voter Registration Act of 1993, commonly referred to as the motor voter law; and

WHEREAS, because the benefits and detriments to implementing voter registration are not easily identified, a comprehensive study of voter registration should be undertaken before the Legislative Assembly attempts to implement a program of voter registration;

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

That the Legislative Council study voter registration; 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-seventh Legislative Assembly.

Filed March 18, 1999

CHAPTER 661**SENATE CONCURRENT RESOLUTION NO. 4044**

(Senators St. Aubyn, W. Stenehjem)

**BLIND AND VISUALLY IMPAIRED SERVICES
CONSOLIDATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired.

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

WHEREAS, children and adults who are blind or visually impaired require a continuum of educational, rehabilitative, and other services or assistance if they are to function as independently as possible; and

WHEREAS, it is the responsibility of the state to make available an appropriate continuum of services to children and adults who are blind or visually impaired; and

WHEREAS, the state offers a variety of services to children and adults who are blind or visually impaired through the School for the Blind and the Vocational Rehabilitation Division of the Department of Human 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 consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired; 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-seventh Legislative Assembly.

Filed March 25, 1999

CHAPTER 662**SENATE CONCURRENT RESOLUTION NO. 4045**

(Senators St. Aubyn, Grindberg)

**DEVELOPMENTALLY DISABLED SERVICES FUNDING
STUDY**

A concurrent resolution directing the Legislative Council to study alternative systems for the funding of services delivered to children and adults who are developmentally disabled.

WHEREAS, the state has a significant interest in ensuring that children and adults who are developmentally disabled are able to function as independently as possible; and

WHEREAS, children and adults who are developmentally disabled require a continuum of services and assistance if they are to function as independently as possible; and

WHEREAS, it is the responsibility of the state to make available an appropriate continuum of services to children and adults who are developmentally disabled; and

WHEREAS, the system for delivering services to children and adults who are developmentally disabled should be both simple and nonintrusive; and

WHEREAS, requirements resulting from the ARC lawsuit may still exist which may no longer be necessary to provide appropriate services; and

WHEREAS, the state could find opportunities to remove duplication of administrative requirements, especially in the area of audits; and

WHEREAS, the state could develop pilot projects to examine the applicability of other states' methods for funding services delivered to children and adults who are developmentally disabled;

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

That the Legislative Council study alternative systems for the funding of services delivered to children and adults who are developmentally disabled; 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-seventh Legislative Assembly.

Filed March 25, 1999

CHAPTER 663**SENATE CONCURRENT RESOLUTION NO. 4046**

(Senator W. Stenehjem)
(Representative DeKrey)

CHARITABLE GAMING LAWS STUDY

A concurrent resolution directing the Legislative Council to study the appropriateness and adequacy of the laws on charitable gaming, including the financial remuneration allowed to owners of charitable gaming sites.

WHEREAS, the charitable gaming industry has experienced a decline of activity and there has been increased competition; and

WHEREAS, there are a variety of gaming site rent structures and limitations for the various games of chance; and

WHEREAS, the site rent limits for games of chance have not been reviewed recently and have not been increased since 1991; and

WHEREAS, owners of gaming sites have testified that in light of increases in taxes, wages, and utilities over the past several years, gaming site rent limits should be reviewed;

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

That the Legislative Council study the appropriateness and adequacy of the laws on charitable gaming, including the financial remuneration allowed to owners of charitable gaming sites; 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-seventh Legislative Assembly.

Filed March 16, 1999

CHAPTER 664**SENATE CONCURRENT RESOLUTION NO. 4047**

(Senators DeMers, Holmberg, C. Nelson, Nething, Traynor)
(Representative Svedjan)

STATE PUBLICATIONS ELECTRONIC ACCESS STUDY

A concurrent resolution directing the Legislative Council to study methods to preserve and provide access to state publications in an electronic format.

WHEREAS, state agencies are moving toward producing publications solely in an electronic format; and

WHEREAS, an electronic catalog of state documents does not exist in the statewide library system; and

WHEREAS, the state does not have a coordinated approach or plan for preserving or providing access to electronic publications; and

WHEREAS, without a state preservation and access policy, researchers, historians, and agencies irretrievably lose sources necessary for the interpretation of the state's history and citizens find fewer permanent guides to past and present activities of their government; and

WHEREAS, agencies directly interested in developing a preservation and access policy include the State Library, the State Archivist, the Information Services Division, the Secretary of State, the University System, the NDSU Extension Service, Job Service North Dakota, the Department of Health, the Water Commission, the Game and Fish Department, the State Auditor, the Public Service Commission, the Office of Management and Budget, and the Supreme Court; and

WHEREAS, as state agencies develop information technology plans, the opportunity to integrate a policy of preservation and extended access to the publications appears feasible;

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

That the Legislative Council study methods to preserve and provide access to state publications in an electronic format; 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-seventh Legislative Assembly.

Filed March 18, 1999

CHAPTER 665**SENATE CONCURRENT RESOLUTION NO. 4048**

(Senators W. Stenehjem, Traynor, Watne)
(Representatives DeKrey, Hawken, Mahoney)

**SEXUAL OFFENDER LAW, SENTENCING, AND
TREATMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses, sentencing of sexual offenders, and sexual offender commitment treatment.

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

WHEREAS, in 1997 and 1999 the Legislative Assembly considered at least 15 measures relating to sexual offenders; and

WHEREAS, the sexual offense statutes are interrelated and sometimes a change in one section necessitates a reevaluation of other sections;

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 revising the sections of the North Dakota Century Code which relate to sexual offenses, the sentencing of sexual offenders, and sexual offender commitment treatment; 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-seventh Legislative Assembly.

Filed March 19, 1999

CHAPTER 666**SENATE CONCURRENT RESOLUTION NO. 4049**
(Senator Grindberg)**DISASTER RELIEF FUND STUDY**

A concurrent resolution directing the Legislative Council to study establishment and operation of a disaster relief fund to address property tax needs in federally declared disaster areas.

WHEREAS, political subdivisions and property owners in areas that have suffered a major disaster are faced with a property tax dilemma in the aftermath of the disaster because political subdivisions have an increased need for revenues at the same time property owners require abatement of property taxes which diminishes the property tax base; and

WHEREAS, analysis should be done of the feasibility and desirability of establishing a fund that could be used to replace property tax revenue losses following a disaster and to avoid shifting of property tax burdens to properties not affected by the disaster when abatements are granted for damaged properties; and

WHEREAS, complex issues must be addressed to establish an actuarially sound fund to deal with property tax needs following disasters and to determine an appropriate funding source and provide for appropriate operation of the fund;

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

That the Legislative Council study the establishment and operation of a disaster relief fund to address property tax needs in federally declared disaster areas; 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-seventh Legislative Assembly.

Filed March 18, 1999

CHAPTER 667

SENATE CONCURRENT RESOLUTION NO. 4050

(Senators Krebsbach, DeMers, Kilzer, Mutzenberger, W. Stenehjem, Thane)
(Government and Veterans Affairs Committee)

GRANT PREAPPROVAL PROCESS IMPLEMENTATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a grant preapproval process for every state agency, except institutions under the state board of higher education.

WHEREAS, state agencies apply for and receive various grants; and

WHEREAS, many grants have restrictions on how grant funds or property may be used; and

WHEREAS, after grant funds are exhausted, state funding may be required to continue the projects; and

WHEREAS, the failure of Senate Bill No. 2431, which would have required preapproval of every state agency grant application, to pass requires the review of the process of applying for grants to ensure that restrictions on grant funds do not violate state law or policy and the grants do not obligate the state to provide future funding;

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 a grant preapproval process for every state agency, except institutions under the state board of higher education; and

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

Filed March 18, 1999

CHAPTER 668**SENATE CONCURRENT RESOLUTION NO. 4051**

(Senator W. Stenehjem)
(Representative DeKrey)

CRIMINAL OFFENSE CLASSIFICATION STUDY

A concurrent resolution directing the Legislative Council to study the classification of criminal offenses throughout the North Dakota Century Code.

WHEREAS, the last major review of criminal offenses was done during the 1973-74 interim, which resulted in a bill that amended 597 existing sections and repealed 245 existing sections of the code; and

WHEREAS, there are over 247 offenses classified as felonies, over 708 offenses classified as misdemeanors, and over 147 offenses classified as infractions; and

WHEREAS, the proper classification of offenses provides for equitable punishment based upon the elements of the offense committed; and

WHEREAS, the appropriate classification of offenses may result in more efficient use of state resources in determining levels of punishment, rehabilitation, and the appropriate alternatives to incarceration;

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

That the Legislative Council study the classification of criminal offenses throughout the North Dakota Century Code; and

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

Filed March 26, 1999

CHAPTER 669

SENATE CONCURRENT RESOLUTION NO. 4053

(Senators T. Mathern, G. Nelson)
(Representatives Boucher, Dorso)
(Approved by the Delayed Bills Committee)

INTERNET TAX FREEDOM ACT OBLIGATION FULFILLMENT URGED

A concurrent resolution urging Congress to act quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced membership of the Advisory Commission on Electronic Commerce and urging the Advisory Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet usage and Internet sales transactions on telecommunications, traditional retail businesses, and state and local tax bases.

WHEREAS, the Internet Tax Freedom Act was signed into law on October 21, 1998, and provided for establishment of the Advisory Commission on Electronic Commerce, to include 16 members appointed by Congressional leadership, eight of whom are to represent state and local governments and eight of whom are to represent industry and consumer groups; and

WHEREAS, equal representation for state and local governments is critical to North Dakota and other states because sales taxes have traditionally been a state prerogative and the participation of state and local governments is essential to the validity of recommendations of the Advisory Commission because the enormous growth in Internet usage and Internet sales transactions seriously impacts telecommunications, traditional retail businesses, and state and local tax bases; and

WHEREAS, appointments to the Advisory Commission on Electronic Commerce were made by Congressional leaders without consultations among themselves and resulted in an imbalance in the membership of the Advisory Commission on Electronic Commerce, with fewer than eight members representing state and local governments, which does not comply with the Internet Tax Freedom Act; and

WHEREAS, the failure of Congress to comply with its own legislation and appoint a balanced commission must be corrected as soon as possible because the Advisory Commission on Electronic Commerce has a limited time to complete its work and much of that time has already been lost;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to act quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced membership of the Advisory Commission on Electronic Commerce and urges the Advisory Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet usage and Internet sales transactions on telecommunications, traditional retail businesses, and state and local tax bases; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Majority and Minority Leaders of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, to each member of the Advisory Commission on Electronic Commerce, and to each member of the North Dakota Congressional Delegation.

Filed March 18, 1999

CHAPTER 670**SENATE CONCURRENT RESOLUTION NO. 4054**

(Senators Wardner, Bowman)
(Representatives Drovdal, N. Johnson, Kempenich, Wald)
(Approved by the Delayed Bills Committee)

**THEODORE ROOSEVELT CONGRESSIONAL MEDAL
OF HONOR URGED**

A concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.

WHEREAS, Theodore Roosevelt, 26th President of the United States, was a Colonel of the First United States Volunteer Cavalry at the Battle of San Juan Heights in Cuba on July 1, 1898, during the Spanish-American War; and

WHEREAS, Theodore Roosevelt and the Roughriders led the charge up Kettle Hill with great courage and bravery; and Theodore Roosevelt distinguished himself through his leadership skills; and

WHEREAS, Theodore Roosevelt's commanding general recommended that Theodore Roosevelt receive the Medal of Honor; and

WHEREAS, on November 12, 1998, Congress passed Public Law 105-371; 112 Stat. 3376, which requested and authorized the President to issue the Medal of Honor to Theodore Roosevelt;

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

That the Fifty-sixth Legislative Assembly urges the President of the United States to award Theodore Roosevelt the congressional Medal of Honor; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States.

Filed April 6, 1999

CHAPTER 671**SENATE CONCURRENT RESOLUTION NO. 4055**

(Senator Christmann)

(Approved by the Delayed Bills Committee)

**CRIMINAL BACKGROUND CHECK EXEMPTION
URGED**

A concurrent resolution urging Congress to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system.

WHEREAS, 18 United States Code Section 922(t)(3) provides for an exemption from the national instant criminal background check system for the purchase of firearms by individuals with a concealed weapons permit; and

WHEREAS, this state has a concealed weapons permit that has been interpreted to not provide an exemption; and

WHEREAS, this state permanently prohibits a person confined or committed to a hospital or other institution and a mentally deficient person from receiving a permit, prohibits a person under 18 years of age from receiving a permit, prohibits a person who has committed a felony involving violence or intimidation from receiving a permit for 10 years, and prohibits any person who has committed a felony not involving violence or intimidation or a class A misdemeanor involving violence or intimidation from receiving a permit for five years;

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

That the Fifty-sixth Legislative Assembly urges the Congress of the United States to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the director of the Federal Bureau of Alcohol, Tobacco and Firearms and to each member of the North Dakota Congressional Delegation.

Filed April 6, 1999

CHAPTER 672**SENATE CONCURRENT RESOLUTION NO. 4056**

(Senators Holmberg, DeMers, Mutch, St. Aubyn, W. Stenehjem)
(Representatives Brusegaard, Delmore, Glasheim, Jensen, Kliniske,
Lloyd, Nottestad, Poolman, Svedjan, Winrich)
(Approved by the Delayed Bills Committee)

**RALPH AND BETTY ENGELSTAD GIFT
APPRECIATION**

A concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.

WHEREAS, Ralph Engelstad is a graduate of the University of North Dakota and was a goalie on the UND hockey team in the 1950s; and

WHEREAS, Ralph Engelstad turned down an offer to play professional hockey in order to launch a successful business career and has become one of our nation's outstanding entrepreneurs; and

WHEREAS, Ralph and Betty Engelstad have never forgotten their midwestern roots and have given generously to his alma mater, including the valuable General Patton papers which are now a permanent part of the UND special collections; and

WHEREAS, Ralph and Betty Engelstad have now made a gift commitment of \$100 million to the University of North Dakota Foundation, half of which is to be used to build a state-of-the-art 12,000-seat hockey arena and the rest to be available to benefit the University; and

WHEREAS, this latest gift from Ralph and Betty Engelstad is among the largest private gifts ever donated to a public university or college in this nation; and

WHEREAS, the business success of the Engelstads and their generosity to the University of North Dakota have set examples for young people to emulate;

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

That on behalf of all the people of North Dakota, the Legislative Assembly expresses sincerest appreciation for the generosity and foresight of Ralph and Betty Engelstad in making this historic contribution to benefit the University of North Dakota, its present and future students, and the people of this state and region; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Ralph and Betty Engelstad.

Filed March 31, 1999

CHAPTER 673**SENATE CONCURRENT RESOLUTION NO. 4057**

(Senators Lyson, W. Stenehjem)
(Representatives Drovdal, L. Thoreson)
(Approved by the Delayed Bills Committee)

LEIF ERICSON YEAR DECLARATION URGED

A concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".

WHEREAS, North America will be observing the 1000-year anniversary of Leif Ericson's voyage to North America; and

WHEREAS, the Sons of Norway International is planning major events throughout the United States and Canada to celebrate "Leif Ericson Year", October 9, 1999, through October 8, 2000; and

WHEREAS, because of the strong Scandinavian presence in North Dakota, it is appropriate for the state to pay special recognition to Leif Ericson's daring voyage; and

WHEREAS, it is appropriate to foster an awareness of Nordic traditions, philosophies, and contributions to the State of North Dakota and North America as we best understand the Viking culture to be an important contributor to the fountain of democratic life; and

WHEREAS, a national Leif Ericson Millennium Committee has been organized under the auspices of the Leif Ericson Society International which is mobilizing for a yearlong continental tribute;

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

That the Governor declare October 9, 1999, through October 8, 2000, "Leif Ericson Year" so that the state may best observe the Nordic traditions and these tradition's contributions to our culture; and

BE IT FURTHER RESOLVED, that the Fifty-sixth Legislative Assembly urges the Governor to appoint a statewide committee to organize appropriate events of recognition which will do honor to the memory and the spirit of that outstanding Viking, Leif Ericson; and

BE IT FURTHER RESOLVED, that the Secretary of State forward an enrolled copy of this resolution to Governor Edward T. Schafer and to the President of Sons of Norway International.

Filed April 6, 1999

CHAPTER 674**SENATE CONCURRENT RESOLUTION NO. 4058**

(Senators W. Stenehjem, DeMers, Holmberg, St. Aubyn)
(Representatives Delmore, Glassheim, Jensen, Kliniske, Nottestad,
Poolman, Svedjan, Winrich)

(Approved by the Delayed Bills Committee)

SIoux WOMEN'S BASKETBALL CONGRATULATIONS

A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

WHEREAS, the University of North Dakota Fighting Sioux women's basketball team captured its third consecutive NCAA Division II championship and capped its postseason play with an 80-63 championship victory over Arkansas Tech at Pine Bluff, Arkansas; and

WHEREAS, the Fighting Sioux women's basketball team ran off 31 victories against only one loss and for the 10th consecutive season won more than 20 games under the leadership of Coach Gene Roebuck; and

WHEREAS, Jenny Crouse, named most outstanding player of the Division II Elite Eight tournament for the second consecutive year, Jaime Pudenz and Katie Richards, named to the all-tournament team, and the other talented individual athletes distinguished themselves under the guidance of Coach Roebuck by displaying explosive offense, tenacious defense, and exemplary teamwork in realizing their goal of a third consecutive 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-sixth Legislative Assembly takes pride in extending to all members and coaches of the University of North Dakota Fighting Sioux women's basketball team its heartiest congratulations for winning the 1999 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 University of North Dakota Fighting Sioux women's basketball team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

Filed March 31, 1999

CHAPTER 675**SENATE CONCURRENT RESOLUTION NO. 4059**

(Senator Lyson)

(Approved by the Delayed Bills Committee)

**ARMED FORCES ENGAGED IN YUGOSLAVIA
SUPPORT**

A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage.

WHEREAS, the President has authorized United States' participation in NATO military operations against the Federal Republic of Yugoslavia; and

WHEREAS, up to 22,000 members, including members from North Dakota, of the Armed Forces are involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

WHEREAS, the Legislative Assembly of North Dakota and the people of North Dakota have the greatest pride in members of the Armed Forces and strongly support them;

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

That the Fifty-sixth Legislative Assembly supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage; and

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

Filed April 8, 1999