

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 642

HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)
(Agriculture Committee)

A concurrent resolution directing the Legislative Council to continue its study of North Dakota Century Code provisions that relate to agriculture.

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are inconsistent or unclear in their intent and direction; and

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are not reflective of current practices or needs; and

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are illogically arranged or placed; and

WHEREAS, the Legislative Council's Agriculture Committee conducted a study during the 2007-08 interim which resulted in recommendations for the revision of numerous North Dakota Century Code chapters that relate to agriculture;

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

That the Legislative Council continue its study of North Dakota Century Code provisions that relate to agriculture for the purpose of recommending changes to laws that are found to be irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction; 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 Sixty-second Legislative Assembly.

Filed April 7, 2009

CHAPTER 643**HOUSE CONCURRENT RESOLUTION NO. 3003**

(Legislative Council)
(Tribal and State Relations Committee)

A concurrent resolution directing the Legislative Council to study the extent to which the funding mechanisms and administrative structures of the federal, state, and county governments enhance or detract from the ability of the social service programs of tribal governments to meet the needs of tribal members.

WHEREAS, the rate of population growth on the state's Indian reservations is one of the highest growth rates in the state; and

WHEREAS, high rates of poverty and unemployment on the state's Indian reservations require strong, sustainable tribal social service programs; and

WHEREAS, tribal social service offices should be involved in the Department of Human Services' budgeting process in consultation with the involvement of county social service offices; and

WHEREAS, involvement of tribal social service offices will help the state to identify social service needs on the state's reservations;

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

That the Legislative Council study the extent to which the funding mechanisms and administrative structures of the federal, state, and county governments enhance or detract from the ability of the social service programs of tribal governments to meet the needs of tribal members; and

BE IT FURTHER RESOLVED, that the Legislative Council assign this study to an interim Human Services Committee or other similar interim committee for study; and

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

Filed April 7, 2009

CHAPTER 644**HOUSE CONCURRENT RESOLUTION NO. 3004**

(Legislative Council)
(Tribal and State Relations Committee)

A concurrent resolution directing the Legislative Council to study Indian education issues.

WHEREAS, the rate of population growth on the state's Indian reservations is one of the highest growth rates in the state; and

WHEREAS, a larger percentage of Indian youth remain in the state upon graduation than do other youth; and

WHEREAS, a good quality education is essential for Indian youth to fully develop their talents and contribute to the general welfare of the state of North Dakota; and

WHEREAS, many schools in Indian country are challenged by school finance issues;

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

That the Legislative Council study Indian education issues; and

BE IT FURTHER RESOLVED, that the Legislative Council assign this study to an interim Education Committee or other similar interim committee for study; and

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

Filed April 7, 2009

CHAPTER 645**HOUSE CONCURRENT RESOLUTION NO. 3005**

(Representatives Klemin, Kretschmar)
(Senators Nething, Hogue)

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act, including consideration of issues other states have addressed in considering the Act.

WHEREAS, in 2006 the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment in all states the Revised Uniform Limited Liability Company Act, which revises the Uniform Limited Liability Company Act; and

WHEREAS, although North Dakota did not enact the Uniform Limited Liability Company Act, all 50 states and the District of Columbia have enacted their own limited liability company laws; and

WHEREAS, in 1993 North Dakota enacted North Dakota Century Code Chapter 10-32, the Limited Liability Company Act, which was based on Minnesota's Limited Liability Company Act; and

WHEREAS, historically, North Dakota's business entity laws have been drafted with the cooperation and input of interested persons, including the Secretary of State, and have taken into account the business entity laws of Minnesota; and

WHEREAS, the North Dakota Commission on Uniform State Laws supports introduction of the Revised Uniform Limited Liability Company Act; and

WHEREAS, although no other state has yet enacted the Revised Uniform Limited Liability Company Act, during the 2009 legislative session several states, including Minnesota, likely will introduce legislation to adopt the Revised Uniform Limited Liability Company Act or to amend the states' existing limited liability laws;

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

That the Legislative Council study the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act, including consideration of issues other states have addressed in considering the Act; 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 Sixty-second Legislative Assembly.

Filed April 7, 2009

CHAPTER 646**HOUSE CONCURRENT RESOLUTION NO. 3006**

(Representatives Klemin, Kretschmar)
(Senators Nething, Hogue)

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Uniform Debt-Management Services Act, including consideration of the most appropriate administrator of the law, how the Act would impact existing state laws, and what issues other states have addressed in enacting the Act.

WHEREAS, in 2005 the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment in all states the Uniform Debt-Management Services Act; and

WHEREAS, the Act provides guidance and regulation to the debt counseling industry, applying to both consumer debt counseling services and debt-management services; and

WHEREAS, as a result of the federal bankruptcy reform enacted in 2005, the Act is an essential part of debtor-creditor law; and

WHEREAS, Colorado, Delaware, Rhode Island, and Utah have adopted the Act and at least six other states have introduced legislation to adopt the Act; and

WHEREAS, the North Dakota Commission on Uniform State Laws supports introduction of the Act; and

WHEREAS, the Act requires an enacting state make several substantive selections, including which state agency should administer the Act, whether the Act will regulate for-profit and not-for-profit service providers, and whether a not-for-profit service provider will be exempt from state taxes; and

WHEREAS, existing North Dakota law regulates multiple aspects of the debt-counseling industry;

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

That the Legislative Council study the feasibility and desirability of adopting the Uniform Debt-Management Services Act, including consideration of the most appropriate administrator of the law, how the Act would impact existing state laws, and what issues other states have addressed in enacting the Act; 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 Sixty-second Legislative Assembly.

Filed April 7, 2009

CHAPTER 647**HOUSE CONCURRENT RESOLUTION NO. 3007**

(Representatives Porter, Carlson, Damschen, Hanson)
(Senators Stenehjem, Hogue)

A concurrent resolution urging Congress to amend federal law or policy to implement the North Dakota Game and Fish Department alternative that would allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park Service in reducing and managing the park's elk population.

WHEREAS, Theodore Roosevelt National Park has released a Draft Elk Management Plan/Environmental Impact Statement; and

WHEREAS, the Draft Elk Management Plan/Environmental Impact Statement analyzes four action alternatives for initial herd reduction, as well as a no action alternative, and one alternative that could be used in combination with others for elk herd maintenance; and

WHEREAS, one alternative for initial herd reduction focuses on sharpshooting elk, using government employees, contractors, or skilled volunteers; and

WHEREAS, North Dakota is opposed to the action alternatives identified in the Draft Elk Management Plan/Environmental Impact Statement released by Theodore Roosevelt National Park; and

WHEREAS, hunting within the park boundaries is not currently allowed; and

WHEREAS, the elk population of Theodore Roosevelt National Park must be reduced to manageable levels to sustain a healthy population of elk in the park; and

WHEREAS, the North Dakota Game and Fish Department has developed and recommended an alternative that would reduce the elk population in Theodore Roosevelt National Park using certified volunteer sharpshooters; and

WHEREAS, North Dakota sportsmen have the hunting tradition, expertise, and ethics to assist the National Park Service in this effort; and

WHEREAS, North Dakota sharpshooters should be chosen by a lottery system and be entitled to keep any animal the sharpshooter takes;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to amend federal law or policy to implement the North Dakota Game and Fish Department alternative that would allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park Service in reducing and managing the park's elk population; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution by registered mail, return receipt requested, to the Secretary of the Interior, the director of the National Park Service, the superintendent of Theodore Roosevelt National Park, and each member of the North Dakota Congressional Delegation.

Filed February 19, 2009

CHAPTER 648**HOUSE CONCURRENT RESOLUTION NO. 3008**

(Representatives Keiser, Wald)
(Senator Klein)

A concurrent resolution directing the Legislative Council to study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions.

WHEREAS, under North Dakota Century Code Section 65-02-30, Workforce Safety and Insurance is required to undergo a biennial independent performance evaluation to determine, among other things, whether the agency is providing quality service in an efficient and cost-effective manner; and

WHEREAS, an element of the 2008 performance evaluation focused on claims for benefits by injured workers who have degenerative conditions; and

WHEREAS, the 2008 performance evaluation included conclusions indicating that none of the claims reviewed which involved preexisting or degenerative conditions were inappropriately denied, but that North Dakota law is more conservative than most other jurisdictions as it relates to prior injuries, preexisting or degenerative conditions, triggers, and aggravations; and

WHEREAS, the performance evaluation also recommended the creation of a study group of all the stakeholder groups to review how other jurisdictions' statutes handle those issues;

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

That the Legislative Council study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions; 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 Sixty-second Legislative Assembly.

Filed April 20, 2009

CHAPTER 649**HOUSE CONCURRENT RESOLUTION NO. 3011**

(Representative Porter)
(Senator G. Lee)

A concurrent resolution endorsing the concept of regional capability response to manmade and natural disasters in North Dakota.

WHEREAS, North Dakota is prone to natural disasters, is vulnerable to manmade disasters, and is susceptible to a terrorist attack; and

WHEREAS, North Dakota is a rural state and depends upon volunteer and limited numbers of response discipline personnel for initial disaster response; and

WHEREAS, the Department of Homeland Security through the North Dakota Department of Emergency Services has provided substantial funds to response disciplines throughout the state; and

WHEREAS, the resources of firefighters, hospitals, emergency medical responders, law enforcement, and public works personnel for equipment, training, and exercises for first response are limited; and

WHEREAS, strategic placement of response equipment and increased cooperation of response disciplines in North Dakota are necessary; and

WHEREAS, the Department of Homeland Security has embarked on a comprehensive program to consolidate response through the establishment of regional response areas strategically placed within North Dakota;

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

That the Legislative Assembly endorses the concept of regional capability response to manmade and natural disasters in North Dakota; and

BE IT FURTHER RESOLVED, that future Homeland Security funding for response distribution be adjusted to accommodate this cooperative effort; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Firefighters Association, Fire Chiefs Association, Peace Officers Association, Sheriffs Association, Emergency Medical Association, Health Care Association, Public Works Association, North Dakota Emergency Management Association, North Dakota League of Cities, North Dakota Association of Counties, United States Department of Homeland Security, and to each member of the North Dakota Congressional Delegation.

Filed April 7, 2009

CHAPTER 650**HOUSE CONCURRENT RESOLUTION NO. 3013**

(Representatives Zaiser, Amerman, Delmore, Griffin, Kaldor)
(Senator Potter)

A concurrent resolution directing the Legislative Council to study the availability of legal representation to assist injured employees in understanding and pursuing Workforce Safety and Insurance decisions.

WHEREAS, during the 2007-08 interim, the interim Industry, Business, and Labor Committee and the Workers' Compensation Review Committee studied workers' compensation issues, including receipt of testimony from injured employees who expressed concern with the lack of availability of lawyers willing to represent injured employees in workers' compensation cases; and

WHEREAS, the state's workers' compensation laws can be complex and difficult for a layperson to navigate; and

WHEREAS, the importance of making knowledge-based decisions in workers' compensation matters is evidenced by Workforce Safety and Insurance's use of legal representation; and

WHEREAS, North Dakota law and Workforce Safety and Insurance administrative rules address the terms under which an injured employee may be reimbursed for attorney's fees and costs;

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

That the Legislative Council study the availability of legal representation to assist injured employees in understanding and pursuing Workforce Safety and Insurance decisions; 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 Sixty-second Legislative Assembly.

Filed April 20, 2009

CHAPTER 651**HOUSE CONCURRENT RESOLUTION NO. 3014**

(Representatives Brandenburg, Belter, Boe)
(Senators Heckaman, O'Connell, Wanzek)

A concurrent resolution urging Congress not to replace "navigable water" with "waters of the United States" in any Clean Water Act-related legislation considered by Congress.

WHEREAS, the Clean Water Act is the foundation of federal and state efforts to protect the nation's water and water resources and one of the primary reasons for the success of the Clean Water Act over the past 35 years is the Act's clear recognition of a partnership between the federal government and state governments to protect these resources; and

WHEREAS, this federal-state structure of shared responsibility allows states the essential flexibility they need to protect truly ecologically important and environmentally sensitive areas within their borders while, at the same time, preserving the authority of states and local communities over their own land and water use planning; and

WHEREAS, the distinction between federal and state responsibility is set forth in Section 101 of the Clean Water Act which states "[i]t is the policy of Congress to recognize, preserve, and protect the primary responsibilities of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation and enhancement) of land and water resources ... and that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated, or otherwise impaired ..."; and

WHEREAS, legislative proposals before Congress that seek to replace the term navigable with a broad definition of waters of the United States would destroy the Clean Water Act's careful calibration of federal and state authority because it would provide federal regulation over virtually every water body in the nation; and

WHEREAS, broadening the Clean Water Act with vague and ambiguous terminology will abandon the cooperative federalism policies Congress sought to achieve and will undermine the states' authority to plan the development and use of land and water resources and to allocate water within each state's jurisdiction; and

WHEREAS, altering the Act's definitional structure could have dire and unintended consequences by adding further regulatory burdens on states and local communities, usurping state authority to manage vital water resources, including ground water, and imposing substantial costs and delays to replace aging water infrastructure; and

WHEREAS, the successes of the last 35 years will not alone yield the solutions in the next 35 years and the intractable water challenges faced today as a nation demand more cooperative federalism, not more federal authority;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States not to replace "navigable water" with "waters of the United States" in any Clean Water Act-related legislation considered by Congress; and

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

Filed April 24, 2009

CHAPTER 652**HOUSE CONCURRENT RESOLUTION NO. 3015**

(Representatives Wald, Grande, Heller)
(Senators Erbele, Freborg, Wardner)

A concurrent resolution urging Congress to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials.

WHEREAS, a bill, cited by its sponsors as the Freedom of Choice Act, now being considered by the Congress of the United States, would invalidate most North Dakota abortion-related regulations, including virtually all of the North Dakota Abortion Control Act, most of which is now recognized as constitutional and within the province of state jurisdiction in light of decisions by the United States Supreme Court; and

WHEREAS, the Freedom of Choice Act would invalidate the North Dakota informed consent law in its entirety including provisions that give a mother seeking an abortion the right to know the probable gestational age of her unborn child, the name of the physician who would perform the abortion, the particular medical risks associated with the abortion procedure to be used as well as the medical risks associated with carrying the child to term and which give her the right to obtain information about the medical benefits that may be available for her and her child before, during, and after the birth of the child, and objective, scientifically accurate medical facts about the development of the unborn child; and

WHEREAS, the Freedom of Choice Act would invalidate North Dakota's requirement that a minor seeking an abortion first obtain consent of both parents or authorization of a court before an abortion because the Freedom of Choice Act, on its face, allows a state to require only "parental involvement" such as parental notification, not consent, and would not even allow the state to require mere notification unless the state law also provides each minor the option of consulting an "other responsible adult," thereby circumventing the involvement of a minor's parents; and

WHEREAS, the Freedom of Choice Act only allows a state to protect unwilling individuals, but not hospitals, from having to participate in the performance of abortion when they are conscientiously opposed, and thus it would invalidate North Dakota Century Code Section 23-16-14, which protects the freedom of hospitals, physicians, nurses, and hospital employees to refuse to make their facilities available for the performance of abortions, or to participate in an abortion, exposing North Dakota's hospitals that refuse to perform abortions to lawsuits seeking to force them to do so against their conscience and protecting health care workers from discrimination in the work place; and

WHEREAS, North Dakota prohibits the use of tax dollars from being used to pay for abortions on demand, currently taxpayers only pay for abortions that are necessary to prevent the mother's death or where the pregnancy has resulted from rape or incest, the Freedom of Choice Act would require tax funding of abortion on demand even when used as a form of birth control; and

WHEREAS, because the Freedom of Choice Act would require a state to prove that any health regulation of abortion is "medically necessary" to protect the health of women undergoing such procedures, those provisions in North Dakota's Abortion Control Act requiring the filing of consent forms, the reporting of complications, and the maintenance of patient records would be held to a higher scrutiny in determining their validity than North Dakota record requirements for other medical procedures; and

WHEREAS, the Freedom of Choice Act would invalidate the North Dakota requirement that only licensed physicians perform abortions, the Freedom of Choice Act invites litigation to strike down a physician requirement on the basis that it is not "medically necessary" that physicians, as opposed to other trained personnel, perform abortions; and

WHEREAS, the Freedom of Choice Act would make the brutal partial-birth abortion method legal again;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials and to reject any component of the Freedom of Choice Act contained in other legislation; and

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

Filed April 20, 2009

CHAPTER 653**HOUSE CONCURRENT RESOLUTION NO. 3016**

(Representatives L. Meier, R. Kelsch, Weiler, Wolf)
(Senators Dever, Flakoll)

A concurrent resolution urging school districts to offer students a course in financial literacy.

WHEREAS, many high school students are very optimistic about their chances for financial success and believe themselves to be financially savvy but tests of their financial knowledge consistently show poor performance; and

WHEREAS, many parents believe that financial management is a family matter, best learned at home, but the reality is that many parents are unable or unwilling to teach their own children even basic financial lessons such as how to create and maintain a budget, understand credit, or save for the future; and

WHEREAS, many parents are unable or unwilling to address with their children concepts such as the time value of money, compounding interest, risk, diversification, and insurance; basic accounting concepts such as assets, liabilities, and market versus book prices; and the rights and responsibilities of consumers and institutions; and

WHEREAS, the market turmoil and credit crisis of 2008 serve to underscore the critical need for improved financial literacy among citizens of all ages; and

WHEREAS, requiring school districts to offer students a course in financial literacy would provide an opportunity to ensure that students are better prepared to make sound money management decisions for themselves and that students have a sufficient base of knowledge and understanding about financial matters before they begin making those first independent financial decisions as young adults;

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

That the Sixty-first Legislative Assembly urges school districts to offer students a course in financial literacy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the president of each school board and the superintendent of each school district in this state.

Filed April 7, 2009

CHAPTER 654**HOUSE CONCURRENT RESOLUTION NO. 3017**

(Representatives Delzer, Carlson, Wrangham)
(Senators Freborg, Stenehjem)

A concurrent resolution recognizing the importance of participation in Census 2010 and encouraging state agencies, political subdivisions, tribal governments, and all public officials to partner with the United States Census Bureau in achieving an accurate and complete count in Census 2010.

WHEREAS, because the Census is the basis for allocation of federal funds relating to social services and community development block grants and is the basis for redistricting of the Legislative Assembly, an accurate and complete count is vital to the entire state; and

WHEREAS, the results of the Census are used by federal, state, tribal, and local governments for planning purposes, business and economic development purposes, and funding decisions; and

WHEREAS, an accurate and complete count in Census 2010 will assist public officials and business leaders in making decisions related to business development and infrastructure needs; and

WHEREAS, census questionnaires take only a few minutes to complete and any identifying information provided through the questionnaire is held confidential for 72 years; and

WHEREAS, to achieve a full and complete count that includes segments of the population that have been traditionally undercounted, a partnership among the Census Bureau and the state, political subdivisions, tribal governments, and all public officials is vital in providing current and accurate information to the Census Bureau with respect to address lists, jurisdictional boundaries, and other geographical features;

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

That the Legislative Assembly recognizes the importance of participation in Census 2010 and encourages state agencies, political subdivisions, tribal governments, and all public officials to participate with the United States Census Bureau in achieving an accurate and complete count in Census 2010.

Filed April 7, 2009

CHAPTER 655**HOUSE CONCURRENT RESOLUTION NO. 3018**

(Representatives Weiler, Carlson, Boucher, Nathe)
(Senators Stenehjem, O'Connell)

A concurrent resolution declaring Monday, February 9, 2009, "North Dakota Close-Up Day".

WHEREAS, the North Dakota Close-Up program is designed to ignite interest in the democratic process and instill in young people the desire to become active participants in their government; and

WHEREAS, the North Dakota Close-Up program concentrates on the functions and structures of state government and defines constitutional responsibilities assigned to each of the three branches of government; and

WHEREAS, the focus of the 2009 North Dakota Close-Up program is the legislative branch of government; and

WHEREAS, the North Dakota Close-Up program has been in existence over two decades; and

WHEREAS, it is anticipated that nearly 100 North Dakota high school students will participate in the 2009 North Dakota Close-Up program;

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

That the Sixty-first Legislative Assembly declares Monday, February 9, 2009, "North Dakota Close-Up Day"; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Council of Educational Leaders.

Filed February 12, 2009

CHAPTER 656**HOUSE CONCURRENT RESOLUTION NO. 3019**

(Representatives Sukut, Berg, Koppelman)
(Senators Cook, Hogue, Lyson)

A concurrent resolution directing the Legislative Council to study Section 18 of Article X of the Constitution of North Dakota.

WHEREAS, Section 18 of Article X of the Constitution of North Dakota has existed unchanged for more than eighty years; and

WHEREAS, this constitutional provision has profound effects on state and political subdivision interaction with businesses and citizens and it is incumbent upon the Legislative Assembly to determine whether the constitutional provision adequately governs the current status of state and local government needs and limitations with respect to businesses and the citizens of the state; and

WHEREAS, legislation has been proposed to authorize direct payment of tax dollars to taxpayers, which action may be in violation of Section 18 of Article X of the Constitution of North Dakota;

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

That the Legislative Council study Section 18 of Article X of the Constitution of North Dakota, including alternatives for direct payments of tax dollars to taxpayers; 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 Sixty-second Legislative Assembly.

Filed April 28, 2009

CHAPTER 657**HOUSE CONCURRENT RESOLUTION NO. 3020**

(Representatives Dahl, Hatlestad, Mock)

A concurrent resolution recognizing the North Dakota Council for the Social Studies as the official voice of and organization for social studies teachers in this state.

WHEREAS, social studies educators teach students the content knowledge, intellectual skills, and civic values necessary for fulfilling the duties of citizenship in a participatory democracy; and

WHEREAS, within a school program, social studies provides coordinated, systematic study drawing upon such disciplines as anthropology, archaeology, economics, geography, history, law, philosophy, political science, psychology, religion, and sociology, as well as appropriate content from the humanities, mathematics, and natural sciences; and

WHEREAS, it is the mission of the North Dakota Council for the Social Studies to provide leadership, service, and support for all social studies educators; and

WHEREAS, the North Dakota Council for the Social Studies engages and supports educators in strengthening and promoting social studies;

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

That the Sixty-first Legislative Assembly recognizes the North Dakota Council for the Social Studies as the official voice of and organization for social studies teachers in this state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Council for the Social Studies.

Filed April 7, 2009

CHAPTER 658**HOUSE CONCURRENT RESOLUTION NO. 3021**

(Representatives Kempenich, Froelich)
(Senators Erbele, Taylor)

A concurrent resolution urging the United States Fish and Wildlife Service not to list the black-tailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act.

WHEREAS, in 2007 the Forest Guardians (also known as WildEarth Guardians), Biodiversity Conservation Alliance, Center for Native Ecosystems, and Rocky Mountain Animal Defense filed a petition with the United States Fish and Wildlife Service requesting that the black-tailed prairie dog, *Cynomys ludovicianus*, be listed as a threatened or endangered species under the Endangered Species Act; and

WHEREAS, the petition filed with the United States Fish and Wildlife Service requested that the black-tailed prairie dog, *Cynomys ludovicianus*, be listed as endangered throughout its range, which includes Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; and

WHEREAS, the United States Fish and Wildlife Service has initiated a status review of the species to determine if the listing is warranted; and

WHEREAS, the North Dakota Game and Fish Department has submitted its prairie dog management plan to the United States Fish and Wildlife Service and restated the department's belief that this state's black-tailed prairie dog, *Cynomys ludovicianus*, population is biologically viable; and

WHEREAS, large concentrations of prairie dog populations cause widespread crop destruction, compete with livestock for the same grazing areas, and create hazardous conditions for livestock;

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

That the Sixty-first Legislative Assembly urges the United States Fish and Wildlife Service not to list the black-tailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the regional director of the United States Fish and Wildlife Service, 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 20, 2009

CHAPTER 659**HOUSE CONCURRENT RESOLUTION NO. 3022**

(Representatives Schatz, Heller, Karls, L. Meier)
(Senators G. Lee, Nodland)

A concurrent resolution urging Congress not to enact any unfunded education mandates.

WHEREAS, the federal government has a long history of burdening states with unfunded mandates; and

WHEREAS, the federal government has time and again exhibited little understanding of the fiscal realities that its education mandates have on state and local spending priorities; and

WHEREAS, this state should have control over how it spends its own tax dollars for education, rather than be forced by the federal government to support programs the state does not want and does not need;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States not to enact any unfunded education mandates; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the United States Department of Education, and to the board of each school district in this state.

Filed April 7, 2009

CHAPTER 660**HOUSE CONCURRENT RESOLUTION NO. 3023**

(Representatives Griffin, Koppelman)

A concurrent resolution directing the Legislative Council to study the criminal offenses in the North Dakota Century Code for which a monetary amount triggers the grading of the offense, with particular emphasis on the grading of theft offenses contained in North Dakota Century Code Chapter 12.1-23.

WHEREAS, the last major revisions to the monetary amounts that trigger the grading of theft offenses occurred in 1973; and

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

WHEREAS, the appropriate grading 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 HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the criminal offenses in the North Dakota Century Code for which a monetary amount triggers the grading of the offense, with particular emphasis on the grading of theft offenses contained in North Dakota Century Code Chapter 12.1-23; 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 Sixty-second Legislative Assembly.

Filed April 7, 2009

CHAPTER 661**HOUSE CONCURRENT RESOLUTION NO. 3025**

(Representatives Myxter, Gruchalla, Potter)
(Senators Bakke, Mathern, Pomeroy)

A concurrent resolution recognizing the Red River Valley Research Corridor and its accomplishments.

WHEREAS, the Red River Valley Research Corridor was conceived as a way to promote economic development, create new jobs, and reverse the outmigration of young North Dakotans leaving the state; and

WHEREAS, the Red River Valley Research Corridor initiative was officially launched by Senator Byron L. Dorgan at a meeting he organized in 2002 with the presidents of North Dakota's colleges and universities; and

WHEREAS, North Dakota State University and the University of North Dakota serve as the anchors of the Red River Valley Research Corridor with schools and organizations from all corners of the state now fully participating in the statewide initiative; and

WHEREAS, Senator Dorgan has used his position on the Senate Appropriations Committee to direct more than \$500 million in federal funding between 2002 and 2008 to Red River Valley Research Corridor projects; and

WHEREAS, these congressionally directed federal investments in the Red River Valley Research Corridor have helped to create and expand national centers of research and education in North Dakota in fields including hydrogen, unmanned aerial vehicles, nanoscale science and engineering, life sciences, high-performance computing, air toxic metals, rural crime and justice, energy technology, aerospace, and nanoscience technology; and

WHEREAS, a 2006 economic impact study documented that the federal funding secured by Senator Dorgan has produced \$759 million in economic activity, created more than 10,000 jobs, and attracted new businesses to the state; and

WHEREAS, the Red River Valley Research Corridor investments have helped North Dakota become the fastest growing state in federal research and development per capita in the last five years and move up 14 positions in four years in The Milken Institute's 2008 State Technology and Science Index report;

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

That the Sixty-first Legislative Assembly commends Senator Dorgan for creating and funding the Red River Valley Research Corridor, honors the North Dakota researchers and research institutions involved in the cutting-edge Red River Valley Research Corridor projects, and recognizes the enormous economic impact the Red River Valley Research Corridor has had on the North Dakota economy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward an enrolled copy of this resolution to Senator Byron L. Dorgan.

Filed April 20, 2009

CHAPTER 662**HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representatives Monson, Glassheim, Nelson)
(Senators Fischer, Miller, Warner)

A concurrent resolution urging the United States Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming without requiring federal applications, licenses, or fees.

WHEREAS, industrial hemp refers to the nondrug oilseed and fiber varieties of cannabis that have less than three-tenths of one percent tetrahydrocannabinol and which are genetically distinct from the drug varieties of cannabis, also known as marijuana; and

WHEREAS, the flowering tops of industrial hemp cannot produce any drug effect when smoked or ingested; and

WHEREAS, it was never the intent of Congress to interfere with or otherwise prohibit the farming, production, and utilization of industrial hemp when it enacted the original Marijuana Tax Act of 1937; and

WHEREAS, industrial hemp is grown commercially in more than 30 countries, without undue restriction or complications; and

WHEREAS, American companies are forced to import millions of dollars worth of hemp seed and fiber products annually from Canada, Europe, and China, thereby effectively denying American farmers an opportunity to compete and share in the profits; and

WHEREAS, nutritious hemp foods can be found in grocery stores nationwide and strong durable hemp fibers can be found in the interior parts of millions of American cars; and

WHEREAS, buildings are being constructed using a hemp and lime mixture; and

WHEREAS, retail sales of hemp products in this country are estimated to be \$365 million annually; and

WHEREAS, the reluctance of the United States Drug Enforcement Administration to permit industrial hemp farming is denying agricultural producers in this country the ability to benefit from a high-value, low-input crop, which can provide significant economic benefits to producers and manufacturers; and

WHEREAS, North Dakota State University applied for licensure to conduct multiyear research on industrial hemp in 1999 and received the license from the United States Drug Enforcement Administration in 2008; and

WHEREAS, North Dakota State University's license to conduct multiyear research on industrial hemp is valid for only one year; and

WHEREAS, North Dakota State University is exceedingly concerned about future license renewals being made in a timely manner, especially in light of the fact that the enclosure required for the research has a construction cost of \$100,000; and

WHEREAS, North Dakota has enacted statutes that would allow only stalk, fiber, sterilized seed, and seed oil, which are legal to import, sell, and possess under federal law, to leave the farm and enter commerce; and

WHEREAS, the United States Drug Enforcement Administration has the authority under the Controlled Substances Act to allow this state to regulate industrial hemp farming under existing laws and without requiring individual federal applications and licenses;

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

That the Sixty-first Legislative Assembly urges the United States Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming under existing state laws, without requiring federal applications, licenses, or fees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Attorney General of the United States, the Administrator of the United States Drug Enforcement Administration, the United States Secretary of Agriculture, and to each member of the North Dakota Congressional Delegation.

Filed April 7, 2009

CHAPTER 663**HOUSE CONCURRENT RESOLUTION NO. 3027**

(Representatives Kretschmar, Brandenburg)
(Senator Erbele)

A concurrent resolution congratulating the Napoleon FFA team on its national championship.

WHEREAS, the National FFA Organization is dedicated to making a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education; and

WHEREAS, the National FFA Organization was founded in 1928 and has hosted 80 annual conventions; and

WHEREAS, since 1991 Napoleon High School has had 68 state champions and championship teams; and

WHEREAS, at the 2008 National FFA Organization convention in Indianapolis, Indiana, a team from Napoleon High School won first place in the Agricultural Sales Career Development event; and

WHEREAS, this is the first national championship for Napoleon High School and the first for this state; and

WHEREAS, the members of the championship team are Cole Laber, Andrew Young, Alison Moser, and Morgan Schwartzenberger and the advisor is Mr. Brian Schneider;

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

That the Legislative Assembly of North Dakota takes extraordinary pride in extending its heartiest congratulations to the Napoleon High School FFA team on its national championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the Napoleon High School FFA team, the team's advisor, the superintendent of the Napoleon School District, and the board of the Napoleon School District.

Filed April 20, 2009

CHAPTER 664**HOUSE CONCURRENT RESOLUTION NO. 3028**

(Representative Belter)
(Senator Wanzek)

A concurrent resolution urging Congress to support the responsible use of the beneficial qualities of biotechnology such as pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people and the global environment through high-yield agricultural production.

WHEREAS, biotechnology refers to any technique that uses living organisms or parts thereof to make or modify a product or plants, animals, or micro-organisms for specific uses and has been used by humankind for thousands of years to improve plants, animals, and micro-organisms; and

WHEREAS, in the last three decades scientific advances in molecular biology have resulted in what is known as recombinant DNA technology or "genetic engineering" with the ability to readily move genetic material between more distantly related organisms; and

WHEREAS, pest-resistant and disease-resistant crops developed through biotechnology will preserve and improve the environment by reducing the need for herbicides and pesticides; and

WHEREAS, modern biotechnology is being used to increase the productivity of crops and livestock, to improve the quality of life by developing new high-yield crops that require fewer inputs and conserve natural resources, to increase the food supply for a rapidly increasing human population, to produce more nutritious foods with longer shelf lives, and to continue to provide consumers with high-quality, low-cost food products; and

WHEREAS, further advances in modern biotechnology may result in improved crops that combat vitamin and mineral deficiencies that afflict hundreds of millions of people worldwide or that can be used to produce life-saving vaccines and biodegradable plastics; and

WHEREAS, federal law requires that all foods and food ingredients, whether produced by traditional or modern biotechnology, must be extensively reviewed for safety by the United States Food and Drug Administration and meet the provisions of the federal Food, Drug, and Cosmetic Act before these products may be sold to consumers;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to support the responsible use of the beneficial qualities of biotechnology such as pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people and the global environment through high-yield agricultural production; and

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

Filed April 7, 2009

CHAPTER 665**HOUSE CONCURRENT RESOLUTION NO. 3030**

(Representative Belter)
(Senator Christmann)

A concurrent resolution urging Congress to use common sense principles for congressional action on climate change legislation.

WHEREAS, if federal action is taken on greenhouse gas reduction programs, the programs should be developed and implemented by the United States Congress on a bipartisan basis and not by federal agencies acting unilaterally to implement policy outside of the Congress; and

WHEREAS, federal action aimed to reduce emissions of carbon dioxide should not impede economic growth, new job creation, or lower the standard of living for all Americans; and

WHEREAS, federal action should incorporate a fully transparent cost-benefit assessment yielding a net positive outcome and achieving wide consensus as part of any carbon dioxide emission reduction program so that consumers can be made aware of the potential economic impacts of policies before their implementation; and

WHEREAS, federal action should encourage the rapid research, development, demonstration, and deployment, through public-private partnerships, of a broad spectrum of supply-side and demand-side technologies and practices, including energy efficiency, renewable technologies, fossil energy technologies with and without carbon capture and storage, carbon sequestration, and nuclear energy; and

WHEREAS, federal action should allow the utility sector to continue to supply consumers with adequate supplies of clean, affordable, and reliable energy and to recover all costs necessary to achieve any greenhouse gas reduction levels sought by public policies; and

WHEREAS, federal action should involve all sectors of the economy, all sources and sinks, and all types of greenhouse gases; and

WHEREAS, federal action should recognize that climate variability is a global phenomenon that requires comprehensive, long-term, and worldwide responses; and

WHEREAS, federal action should recognize that the timeframe for implementation of any greenhouse gas reduction requirements must be scientifically based and tied to technology availability, reliability, and economic feasibility in order to avoid unacceptable impacts on consumers; and

WHEREAS, federal action should allow greater access to onshore and offshore public lands for the development of domestic energy resources such as renewables, oil and gas, oil shale, and coal that can be used in power generation technologies that can keep America a leader in economic development; and

WHEREAS, federal action should recognize and protect existing and past investment decisions for generation resources such that the net costs of owning and operating existing resources are not increased as a result of any program and that any carbon emission reduction program must be limited in its impact to future investment decisions and tailored to the actual net future growth in demand for energy after application and full use of existing resources;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to use common sense principles for congressional action on climate change legislation; and

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

Filed April 20, 2009

CHAPTER 666**HOUSE CONCURRENT RESOLUTION NO. 3032**

(Representatives Headland, Belter, Berg, Nathe, Thoreson, Weiler)

A concurrent resolution urging Congress, the President, and the North Dakota Congressional Delegation to resist efforts to increase income taxes for individuals, including increases by allowing existing reductions to expire; to permanently eliminate the alternative minimum tax; to reject efforts to increase capital gains taxes; and to consider elimination of capital gains taxes on sales of residential property.

WHEREAS, most North Dakotans believe that increasing individual income taxes for any individual is the wrong approach to improving the national economy and North Dakotans have found that the best way to allow the state economy to grow is by avoiding tax increases; and

WHEREAS, allowing existing income tax reduction provisions to expire is an income tax increase, regardless of what rhetoric is used to avoid calling it an increase; and

WHEREAS, the alternative minimum tax was bad policy when enacted and has been allowed to become worse by inattention of Congress to the point that many unsuspecting middle income Americans are now ensnared by it for reasons no one can justify; and

WHEREAS, an increase in capital gains taxes would serve as a disincentive to individual investors at a time when investors already have very little incentive to invest in a struggling economy; and

WHEREAS, elimination of capital gains taxes on sales of residential property could bolster the ailing housing market;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States, the President of the United States, and the North Dakota Congressional Delegation to resist efforts to increase income taxes for any individuals, including increases by allowing existing reductions to expire; to permanently eliminate the alternative minimum tax; to reject efforts to increase capital gains taxes; and to consider elimination of capital gains taxes on sales of residential property; and

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

Filed April 20, 2009

CHAPTER 667**HOUSE CONCURRENT RESOLUTION NO. 3036**

(Representatives Berg, Carlson, Kaldor, Svedjan)
(Senators Grindberg, Stenehjem)

A concurrent resolution directing the Legislative Council to prepare and publish an annual pocket brochure of pertinent state economic indicators and state government statistics.

WHEREAS, North Dakota residents inquire about the status of the state's economy and the use of state tax dollars; and

WHEREAS, information on economic changes and trends is valuable for legislators to review to assist in the development of state taxation and spending policies; and

WHEREAS, information on the outcomes and results of state government programs is useful to measure the benefit of state government to the citizens; and

WHEREAS, other state legislatures publish documents providing pertinent state statistics and fiscal facts; and

WHEREAS, it is important for legislators to have quick access to key state economic indicators and pertinent state government fiscal information;

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

That the Legislative Council prepare and publish a pocket brochure of pertinent state economic and state government statistics and trends relating to economic data, including population, age distribution, percent of population in poverty, children in poverty, median home prices, gross state product, per capita personal income, state exports, jobs, employment/unemployment; state government budget data, including state tax burden and numbers of state employees; education data, including elementary, secondary, and postsecondary student performance; human services data, including program results; and public safety data, including numbers of inmates and recidivism rates; and

BE IT FURTHER RESOLVED, that the Legislative Council arrange for this information to be updated and disseminated to each legislator annually.

Filed April 7, 2009

CHAPTER 668**HOUSE CONCURRENT RESOLUTION NO. 3039**

(Representatives Belter, Brandenburg)
(Senator Klein)

A concurrent resolution urging the President and Congress to develop energy resources on the nation's Outer Continental Shelf, promote domestic energy production, and to not impose additional taxes on America's energy producers.

WHEREAS, the congressional moratorium on the Outer Continental Shelf ended on September 30, 2008; and

WHEREAS, Americans are suffering from highly volatile energy prices; and

WHEREAS, America needs a comprehensive energy policy that recognizes the roles that all forms of energy can play; and

WHEREAS, according to the United States Department of Interior, there are an estimated 86 billion barrels of oil and 420 trillion cubic feet of natural gas on the Outer Continental Shelves; and

WHEREAS, the nation's farming, ranching, and business sectors depend on a reliable and affordable supply of energy to run equipment, fertilize crops, and transport products to the market; and

WHEREAS, offshore oil drilling would create new jobs that often pay well above the national average; and

WHEREAS, production of oil and natural gas has brought billions of dollars in revenue to state and federal governments; and

WHEREAS, new drilling techniques and environmentally sound technologies have made drilling and production methods that practically eliminate spills from offshore platforms; and

WHEREAS, America's energy producers and North Dakota's oil and gas industry invest billions of dollars into research and development of new energy technologies to make exploration in the Outer Continental Shelf and the Bakken Shale Formation economical; and

WHEREAS, the administration's proposal of billions of dollars in new taxes on America's oil and gas industry will discourage investment in new energy technologies and exploration, resulting in a loss of jobs, and more price volatility in energy markets; and

WHEREAS, the imposition of a windfall profits tax, or the elimination of incentives to encourage energy production, on oil and natural gas companies will lead to decreased supply and increased prices; and

WHEREAS, safe and responsible development and production of domestic energy resources will provide economic benefits, enhance national security, reduce

dependence on foreign sources of energy, and encourage research and development of new energy technologies;

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

That the Sixty-first Legislative Assembly strongly urges the President and Congress to explore and develop oil and natural gas resources in the Outer Continental Shelf, promote domestic energy production, and to not impose additional taxes on America's energy producers; and

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

Filed April 20, 2009

CHAPTER 669**HOUSE CONCURRENT RESOLUTION NO. 3041**

(Representatives Schneider, Dahl)
(Senators Nelson, Schneider)

A concurrent resolution to recognize the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter for their efforts in understanding and preventing suicide through research and education and for providing programs and resources for individuals with mood disorders and those impacted by suicide and to recognize depression as a mental illness and how individuals who suffer from depression may be at an increased risk of suicidal behavior.

WHEREAS, the American Foundation for Suicide Prevention is the leading national not-for-profit organization exclusively dedicated to understanding and preventing suicide through research and education and to reaching out to people with mood disorders and those affected by suicide; and

WHEREAS, in 2005 there were 32,637 reported suicide deaths in the United States which translates into 11 suicide deaths per 100,000 persons or one suicide death every 16.6 minutes; and

WHEREAS, in 2005 North Dakota, which had 92 reported suicide deaths, had the 12th highest suicide rate in the country, a rate of 14.5 suicide deaths per 100,000 persons and an average of 1.8 suicide deaths every week; and

WHEREAS, suicide is considered to be the second leading cause of death among college students; the second leading cause of death for people aged 24 to 34; the third leading cause of death for people aged 10 to 24; and the fourth leading cause of death for adults between the ages of 18 and 65; and

WHEREAS, at least 90 percent of people who die by suicide have a diagnosable and treatable psychiatric illness, such as major depression, bipolar depression, or some other depressive illness, including schizophrenia; alcohol or drug abuse, particularly when combined with depression; posttraumatic stress disorder, or some other anxiety disorder; bulimia or anorexia nervosa; or personality disorders, such as borderline or antisocial; and

WHEREAS, over 60 percent of all people who die by suicide suffer from major depression and if alcoholics who are depressed are included in the calculation, this figure rises to over 75 percent; and

WHEREAS, depression is among the most treatable of psychiatric illnesses; and

WHEREAS, between 80 percent and 90 percent of people with depression respond positively to treatment and almost all patients gain some relief from their symptoms with treatment; and

WHEREAS, to achieve its mission of understanding and preventing suicide, the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter encourage and fund scientific research

into why suicide occurs and how best to prevent it; shape and coordinate new treatment initiatives aimed at reducing suicide; provide educational programs for mental health clinicians, educators, physicians, and other professionals; offer programs to help survivors heal; promote policies that further the prevention of suicide; foster public awareness about warning signs and risk factors; and provide programs and resources for people with mood disorders and their families and involve them in the work of the foundation and chapter;

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

That the Sixty-first Legislative Assembly recognizes the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter for their efforts in understanding and preventing suicide through research and education and for providing programs and resources for individuals with mood disorders and those impacted by suicide and recognizes depression as a mental illness and how individuals who suffer from depression may be at an increased risk of suicidal behavior; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the executive director of the American Foundation for Suicide Prevention and to the president of the American Foundation for Suicide Prevention - North Dakota Chapter.

Filed April 7, 2009

CHAPTER 670**HOUSE CONCURRENT RESOLUTION NO. 3042**

(Representatives Schneider, Dahl)

(Senator Nelson)

A concurrent resolution expressing support for the public awareness of multiple sclerosis and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis.

WHEREAS, multiple sclerosis is a chronic and disabling disease of the central nervous system in which the progression, severity, and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with multiple sclerosis, a disease that can erode a person's abilities and hopes, halt a career, and unravel the fabric of families; and

WHEREAS, last year in North Dakota more than \$700,000 was raised to find a cure for multiple sclerosis and develop effective treatments for the disease, as well as to provide a wide range of client programs to improve the lives of the 1,500 individuals living with multiple sclerosis in our state; and

WHEREAS, this investment is paying off in significant advances in treating multiple sclerosis, such as new medications that may reduce or delay future disability for people with multiple sclerosis; and

WHEREAS, although research advances have brought us closer to finding the cure, much remains to be done and services must continue to be provided to those who live with the disease; and

WHEREAS, there are public and private agencies available to serve the constantly changing needs of North Dakotans with multiple sclerosis and their families by extending essential service to all who need them;

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

That the Sixty-first Legislative Assembly expresses support for the public awareness of multiple sclerosis and urges the Congress of the United States to join in the movement in creating a world free of multiple sclerosis; and

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

Filed April 7, 2009

CHAPTER 671**HOUSE CONCURRENT RESOLUTION NO. 3044**

(Representatives Mueller, DeKrey, Kaldor)
(Senators Horne, Triplett, Wardner)

A concurrent resolution directing the Legislative Council to study the allocation of wind rights.

WHEREAS, defining wind rights and establishing a connection between wind rights and the surface estate would provide all stakeholders consistency and stability in the development of wind power; and

WHEREAS, noise and visual disturbances created by wind towers are issues that are best addressed at the beginning stages of a wind farm and in a consistent manner; and

WHEREAS, consistent spacing between wind turbines and from property boundaries provides for fair allocation of wind resources while respecting property rights; and

WHEREAS, other rights as to natural resources, for example, oil and gas, which are connected with real property, are allocated in relation to the surface rights and not on a first-come, first-served basis;

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

That the Legislative Council study the allocation of wind rights; and

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

Filed April 7, 2009

CHAPTER 672**HOUSE CONCURRENT RESOLUTION NO. 3045**
(Representatives Drovdal, Kempenich, Nottestad, Pinkerton)

A concurrent resolution directing the Legislative Council to study severed and abandoned mineral rights and methods to reduce the discount for oil produced in North Dakota.

WHEREAS, a quarter section of land may have hundreds of individuals with severed mineral rights in relation to that quarter; and

WHEREAS, the surface owner may not own any or all of the severed mineral rights, but is burdened entirely with the development of those rights; and

WHEREAS, it is often extremely difficult to determine who owns severed mineral rights in this state, whether the owners are governmental entities, residents, or nonresidents who may or may not actively manage the mineral interests; and

WHEREAS, there are procedures for the termination of mineral interests in North Dakota Century Code Chapter 38-18.1 that should be reviewed to determine if the statutory provisions are meeting the needs of the people of this state and if issues and abuses have arisen due to the increased oil and gas activity in this state; and

WHEREAS, North Dakota produces a very high grade of crude oil but the sales price of that oil is substantially discounted for several reasons, including the cost of transporting the oil to the point of sale, and an examination of the feasibility and desirability of state assistance or incentives to reduce the discount should be undertaken;

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

That the Legislative Council study severed and abandoned mineral rights and methods to reduce the discount for oil produced in North Dakota; and

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

Filed April 20, 2009

CHAPTER 673**HOUSE CONCURRENT RESOLUTION NO. 3048**

(Representatives Mueller, Hofstad, D. Johnson)
(Senators Flakoll, Krauter, Wanzek)

A concurrent resolution directing the Legislative Council to study the bonding requirements placed on grain warehouses and buyers, including ethanol plants and grain processors; and ways to reduce further the financial risk of participants in the sale, purchase, handling, and processing of grain, including the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk.

WHEREAS, North Dakota law requires that warehouses and grain buyers be licensed and bonded and places those requirements within the authority of the Public Service Commission; and

WHEREAS, bond requirements are based on the physical size of a facility or on the amount of grain that a grain buyer handles; and

WHEREAS, even if all bonding requirements are met, there is no guarantee that sufficient assets are available to satisfy all claims in the event of an insolvency; and

WHEREAS, defaults by producers or purchasers beyond the local elevator can have adverse consequences for local elevators; and

WHEREAS, bond protection does not extend to credit-sale contracts and the Legislative Assembly in 2003 created an indemnity fund to provide some measure of protection; and

WHEREAS, the amount payable to any eligible person from the credit-sale contract indemnity fund for each insolvency may not exceed the lesser of 80 percent of the amount owed to that eligible person in accordance with all of that person's unsatisfied credit-sale contracts or \$280,000; and

WHEREAS, today's volatile financial market and volatile commodity prices can dramatically impact risk and risk coverage for sellers and buyers;

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

That the Legislative Council study the bonding requirements placed on grain warehouses and buyers, including ethanol plants and grain processors; ways to reduce further the financial risk of participants in the sale, purchase, handling, and processing of grain, including the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk; 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 Sixty-second Legislative Assembly.

Filed April 24, 2009

CHAPTER 674**HOUSE CONCURRENT RESOLUTION NO. 3051**

(Representatives Kretschmar, Brandenburg, D. Johnson)

A concurrent resolution directing the Legislative Council to study imposition of criminal and civil penalties, fines, fees, and forfeitures by administrative rule.

WHEREAS, it is a legislative responsibility to assure that criminal and civil penalties, fines, fees, and forfeitures are imposed according to law and within the purview of an appropriate level of legislative and public scrutiny; and

WHEREAS, imposition of criminal and civil penalties, fines, fees, and forfeitures by administrative rule may not provide adequate safeguards of public consideration and legislative deliberation, which are provided by consideration of legislation by the full Legislative Assembly; and

WHEREAS, it is incumbent upon the Legislative Assembly to conduct a thorough review of criminal and civil penalties, fines, fees, and forfeitures to ensure that legislative and public interests are properly addressed in existing administrative rules and procedures for implementation and imposition of administrative rules imposing criminal and civil penalties, fines, fees, and forfeitures;

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

That the Legislative Council study imposition of criminal and civil penalties, fines, fees, and forfeitures by administrative rule; and

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

Filed April 7, 2009

CHAPTER 675**HOUSE CONCURRENT RESOLUTION NO. 3061**
(Representatives Boucher, Boe, Delmore)

A concurrent resolution directing the Legislative Council to study educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery.

WHEREAS, elementary and secondary education can be delivered to Indian students attending schools operated within a school district structure, schools operated by the Bureau of Indian Affairs, and schools operated by tribes under contracts or grants; and

WHEREAS, regardless of the delivery system, many Indian children have educational challenges that stem from high poverty rates, isolation, and limited English proficiency; and

WHEREAS, in certain locations, issues of curriculum, teacher availability, data collection, accountability, transportation, special education, and the adequacy of school facilities are even more critical aspects of educational delivery;

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

That the Legislative Council study educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery; 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 Sixty-second Legislative Assembly.

Filed April 7, 2009

CHAPTER 676**HOUSE CONCURRENT RESOLUTION NO. 3063**

(Representatives Headland, Kasper, Koppelman, Nathe, Thoreson, Weiler)
(Approved by the Delayed Bills Committee)

A concurrent resolution affirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states and the powers of the federal government are limited and enumerated; and

WHEREAS, in 2009 the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal laws are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the 10th Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, the United States Supreme Court ruled in New York v. United States, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States;

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

That the Sixty-first Legislative Assembly affirms this state's sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States and demands the federal government halt its practice of assuming powers and imposing mandates upon the states for purposes not enumerated in the Constitution of the United States; and

BE IT FURTHER RESOLVED, that this resolution serves as notice and demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of constitutionally delegated powers; and

BE IT FURTHER RESOLVED, that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, each justice of the Supreme Court of the United States, each judge in the United States Court of Appeals for the Eighth Circuit, the President of the United States Senate, the Speaker of the United States House of Representatives, the presiding officer of each state legislative body in the United States of America, and to each member of the North Dakota Congressional Delegation.

Filed April 30, 2009

CHAPTER 677**HOUSE CONCURRENT RESOLUTION NO. 3064**

(Representatives J. Kelsh, Amerman, Hawken, S. Kelsh)

(Senators Flakoll, Mathern)

(Approved by the Delayed Bills Committee)

A concurrent resolution supporting Congress in its efforts to obtain the release of Roxana Saberi.

WHEREAS, Roxana Saberi has worked as a reporter for a number of international news organizations; and

WHEREAS, Roxana Saberi has been detained in Iran since January under the claim that she was engaged in "illegal" activities because she continued working in Iran after the government revoked her press credentials; and

WHEREAS, Roxana Saberi is being held in Evin Prison, which has been referred to by the British Broadcasting Corporation as Iran's most notorious prison; and

WHEREAS, Roxana Saberi has been allowed only one brief telephone contact with her family; and

WHEREAS, Roxana Saberi grew up in Fargo, North Dakota, graduated from Concordia College, and is known to many residents as a former reporter for KVLV-TV and a former Miss North Dakota;

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

That the Legislative Assembly supports Congress in all of its efforts to obtain the release of Roxana Saberi and ensure her safe return to the United States and her return to the family members, friends, colleagues, and thousands of supporters and well-wishers who daily keep her in their thoughts and prayers; and

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

Filed April 7, 2009

CHAPTER 678**HOUSE CONCURRENT RESOLUTION NO. 3065**

(Government and Veterans Affairs Committee)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging Congress to appoint an independent counsel to investigate the issue of American prisoners of war and those missing in action.

WHEREAS, the issue of prisoners of war and those missing in action has been a national dilemma since the end of World War II; and

WHEREAS, there is a strong need for an independent investigation into all unresolved matters relating to any United States personnel unaccounted for from the Gulf War, Vietnam Conflict, Korean Conflict, World War II, and Cold War missions, including personnel missing in action and prisoners of war; and

WHEREAS, it is the responsibility and duty of the United States government to bring home Americans missing in action from the Gulf War, Vietnam Conflict, Korean Conflict, World War II, and Cold War missions; and

WHEREAS, as of July 2005 the Government Accountability Office listed 88,115 service men and women unaccounted for from these conflicts; and

WHEREAS, American prisoners of war and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten; and

WHEREAS, the families of these inspiring Americans deserve to know what happened to their loved ones; and

WHEREAS, Americans from every generation have answered the call to duty with dedication and valor and these brave Americans deserve the respect and gratitude of our nation and all efforts should be made to resolve the prisoner of war and missing in action issue in their honor;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to appoint an independent counsel to investigate the issue of American prisoners of war and those missing in action; and

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

Filed April 20, 2009

CHAPTER 679**HOUSE CONCURRENT RESOLUTION NO. 3067**

(Representatives Mueller, Holman, D. Johnson)

(Senators Klein, Miller, Wanzek)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging the restoration, through legal or political means, of the Environmental Protection Agency's final rule exempting pesticides from the Clean Water Act's permitting requirements.

WHEREAS, on November 27, 2007, the Environmental Protection Agency issued a final rule providing that pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act are exempt from the Clean Water Act's permitting requirements; and

WHEREAS, in *National Cotton Council of America v. United States Environmental Protection Agency*, the United States Court of Appeals for the Sixth Circuit vacated the agency's rule on the basis that pesticide residues and biological pesticides constitute pollutants under federal law and must be regulated under the Clean Water Act in order to minimize the impact to human health and the environment; and

WHEREAS, with this decision, farmers, ranchers, utility owners, golf course owners, and state, local, and federal public entities, among others, will be required to obtain national pollutant discharge elimination system permits; and

WHEREAS, this decision inevitably will result in complications and delays that will seriously impact the effective and time-sensitive use of pesticides to combat disease and crop-destroying insects, and seriously impact the ability of farmers and ranchers to engage in food production;

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

That the Sixty-first Legislative Assembly supports the restoration, through legal or political means, of the Environmental Protection Agency's final rule exempting pesticides from the Clean Water Act's permitting requirements, provided that the pesticides are applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act; and

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

Filed April 30, 2009