

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 623

### SENATE CONCURRENT RESOLUTION NO. 4002

(Senators Mathern, Estenson, Weston)  
(Representatives Davis, D. Johnson, Vetter)

A concurrent resolution designating Dr. Denise K. Lajimodiere as Poet Laureate of North Dakota.

**WHEREAS**, Larry Woiwode was designated as Poet Laureate of the State of North Dakota by the Fifty-fourth Legislative Assembly and served with honor and distinction in that capacity until his death in April 2022; and

**WHEREAS**, Dr. Denise K. Lajimodiere was born in 1951 on the Turtle Mountain Indian Reservation where she lived until her family relocated to Oregon, began writing poetry at the age of 10 having her first poem published, and continued writing throughout high school, having poems published in Franklin High School's anthology "The Conceited Scribbler"; and

**WHEREAS**, Dr. Denise K. Lajimodiere returned to North Dakota in 1972 to complete her teaching degree at the University of North Dakota and later completed her master's and doctorate degrees from the University of North Dakota; and

**WHEREAS**, Dr. Denise K. Lajimodiere has been decreed Associate Poet Laureate by North Dakota Poet Laureate, Larry Woiwode; and

**WHEREAS**, Dr. Denise K. Lajimodiere is an enrolled member of the Turtle Mountain Band of Ojibwe, Belcourt, North Dakota, where she organized and led the Turtle Mountain Writers and Artist workshops for middle and high school students; and

**WHEREAS**, Dr. Denise K. Lajimodiere is the editor of the Turtle Mountain Teen Writers book of poetry titled "Heart of the Turtle"; and

**WHEREAS**, Dr. Denise K. Lajimodiere has published four books of poetry, "Dragonfly Dance", "His Feathers Were Chains", "Bitter Tears", and "Thunderbird"; a children's book, "Josie Dances"; and an academic book, "Stringing Rosaries: The History, The Unforgivable, and the Healing of Northern Plains American Indian Boarding School Survivors"; and

**WHEREAS**, Dr. Denise K. Lajimodiere's poetry has been published in journals, magazines, and anthologies, including "Humanities North Dakota Magazine", "Yellow Medicine Review", "Original Local", "Storytelling Time", "The Beautiful", "St. Peter's B-List", "North Dakota is Everywhere: An Anthology of Contemporary North Dakota Poets", "The Polaris Trilogy", and "Drunken Boat"; and

**WHEREAS**, Dr. Denise K. Lajimodiere's books have received the North Dakota State Library Association Notable Documents Award, Independent Book Publishers Benjamin Franklin Award, Independent Press Awards, and Midwest Book Awards, and have been nominated for the Minnesota Youth Reading Star of the North Award and the prestigious Stubbendieck Great Plains Distinguished Book Prize; and

**WHEREAS**, Dr. Denise K. Lajimodiere has been a Poetry Fellow at Vermont Studio Center in Vermont, Anderson Center and Mallard Island in Minnesota, and Soul Mountain in Connecticut; and

**WHEREAS**, Dr. Denise K. Lajimodiere is a member of the North Dakota State University Press Editorial Board; and

**WHEREAS**, Dr. Denise K. Lajimodiere's poem, "Tawkwaymenahnah", has been adopted by Carnegie Learning's language arts basal textbook for grades 6 through 12; and

**WHEREAS**, in 2021, Dr. Denise K. Lajimodiere was the invited poet with Joy Harjo, National Poet Laureate, at the National Endowment for the Arts Big Read program, a partnership between the National Endowment for the Arts and Arts Midwest, at the Plains Museum in Fargo and was the featured poet author at the South Dakota Festival of Books; and

**WHEREAS**, Dr. Denise K. Lajimodiere is considered a national expert on American Indian boarding schools and has given over 50 television, radio, and podcast interviews and has been the invited speaker at numerous conferences, including the Concordia Social Justice Advocates Conference, Guest Lecture at Verizon, National Consortium on Racial and Ethnic Fairness in the Courts, National Native American Boarding School Healing Conference, Northern Great Plains History Conference, and the Midwest Law Enforcement Administrative Support Conference;

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

That Dr. Denise K. Lajimodiere, a resident of Belcourt, North Dakota, is designated and shall serve as Poet Laureate of North Dakota until a successor is named; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to Dr. Denise K. Lajimodiere.

Filed April 10, 2023

## CHAPTER 624

### SENATE CONCURRENT RESOLUTION NO. 4003

(Senators Wanzek, Conley)  
(Representatives Headland, Ostlie, Satrom, Vigesaa)

A concurrent resolution congratulating the University of Jamestown women's volleyball team for its outstanding season and for securing the university's first National Association of Intercollegiate Athletics national championship.

**WHEREAS**, on December 6, 2022, the University of Jamestown women's volleyball team captured the National Association of Intercollegiate Athletics national championship with a 3-2 victory over Corban University; and

**WHEREAS**, the 2022 University of Jamestown women's volleyball team was the champion of the Great Plains Athletic Conference regular season as well as the postseason tournament champion, finishing the season with a dominating record of 37 wins and 2 losses; and

**WHEREAS**, the leadership of Coach Jon Hegerle brought together a great group of unselfish student-athletes, including four All-Americans, and nine competitors from the great state of North Dakota;

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

That the Sixty-eighth Legislative Assembly takes great pride in extending to all members and coaches of the University of Jamestown women's volleyball team its heartiest congratulations for winning the 2022 National Association of Intercollegiate Athletics women's volleyball national championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to each member of the 2022 University of Jamestown women's volleyball team, to each of the team's coaches, and to the President of the University of Jamestown.

Filed March 15, 2023

## CHAPTER 625

### SENATE CONCURRENT RESOLUTION NO. 4004

(Senators Cleary, Barta, Lee)  
(Representatives Nathe, Nelson)

A concurrent resolution directing the Legislative Management to consider studying accessible transportation in the state for older adults and individuals with disabilities.

**WHEREAS**, older adults and individuals with disabilities can achieve greater freedom when those individuals have full access to a variety of transit modes; and

**WHEREAS**, expanded access allows mobility and independence in the daily lives of an older adult or an individual with disabilities, but this only can be achieved when the pathways to transit, the infrastructure, and conditions in the built environment, allow full access to transit stops, stations, and vehicles; and

**WHEREAS**, since passage of the federal Americans with Disabilities Act in 1990, many transit agencies and governmental jurisdictions throughout the nation have made significant progress in providing accessible transportation, but making additional improvements and expanding accessible transportation is imperative to achieve full access and the mobility afforded by that access;

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

That the Legislative Management consider studying accessible transportation for older adults and individuals with disabilities in the state; and

**BE IT FURTHER RESOLVED**, the study include evaluating statewide challenges to system services and barriers to expanding the state's accessible transportation infrastructure, examining the fiscal impact of providing accessible transportation, assessing the effective long-term modification of funding formulas to support accessible transportation, and evaluating modifications to anticipate the responsibilities of public entities under the federal Americans with Disabilities Act; and

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

Filed March 23, 2023

## CHAPTER 626

### SENATE CONCURRENT RESOLUTION NO. 4005

(Senators Vedaa, Hogue, J. Roers)  
(Representatives Kreidt, Lefor, Nathe)

A concurrent resolution urging Congress and the Director of the United States Mint to issue commemorative silver and gold coins to commemorate Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library.

**WHEREAS**, Theodore Roosevelt was an American statesman, conservationist, historian, and writer, who served as the 26<sup>th</sup> President of the United States; and

**WHEREAS**, before becoming President of the United States, Theodore Roosevelt ranched and hunted in the 1880s near Medora, North Dakota and is credited with saying, "I never would have been President if it had not been for my experiences in North Dakota"; and

**WHEREAS**, after becoming President, Theodore Roosevelt used his authority to protect wildlife and public lands by creating the United States Forest Service and establishing 150 national forests, 51 federal bird reserves, 4 national game preserves, 5 national parks, and 18 national monuments by enabling the 1906 American Antiquities Act; and

**WHEREAS**, the Sixty-sixth Legislative Assembly approved an endowment for a proposed Theodore Roosevelt Presidential Library and Museum in 2019; and

**WHEREAS**, the Theodore Roosevelt Presidential Library will be a museum and facility for the records of Theodore Roosevelt and will be located at a site to the west of Medora, near the Theodore Roosevelt National Park; and

**WHEREAS**, the Theodore Roosevelt Presidential Library is expected to be open to the public in 2026; and

**WHEREAS**, Theodore Roosevelt's legacy, his contributions to America's history, and the opening of the Theodore Roosevelt Presidential Library should be celebrated and commemorated;

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

That the Sixty-eighth Legislative Assembly urges Congress and the Director of the United States Mint to issue commemorative silver and gold coins to commemorate Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to each member of the North Dakota Congressional Delegation and the Director of the United States Mint.

Filed March 9, 2023

## CHAPTER 627

### SENATE CONCURRENT RESOLUTION NO. 4008

(Senators Vedaa, Hogue, J. Roers)  
(Representatives Kreidt, Lefor, Nathe)

A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a postage stamp commemorating Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library.

**WHEREAS**, Theodore Roosevelt was an American statesman, conservationist, historian, and writer, who served as the 26<sup>th</sup> President of the United States; and

**WHEREAS**, before becoming President of the United States, Theodore Roosevelt ranched and hunted in the 1880s near Medora, North Dakota and is credited with saying, "I never would have been President if it had not been for my experiences in North Dakota"; and

**WHEREAS**, after becoming President, Theodore Roosevelt used his authority to protect wildlife and public lands by creating the United States Forest Service and establishing 150 national forests, 51 federal bird reserves, 4 national game preserves, 5 national parks, and 18 national monuments by enabling the 1906 American Antiquities Act; and

**WHEREAS**, the Sixty-sixth Legislative Assembly approved an endowment for a proposed Theodore Roosevelt Presidential Library and Museum in 2019; and

**WHEREAS**, the Theodore Roosevelt Presidential Library will be a museum and facility for the records of Theodore Roosevelt and will be located at a site to the west of Medora, near the Theodore Roosevelt National Park; and

**WHEREAS**, the Theodore Roosevelt Presidential Library is expected to be open to the public in 2026; and

**WHEREAS**, Theodore Roosevelt's legacy, his contributions to America's history, and the opening of the Theodore Roosevelt Presidential Library should be celebrated and commemorated;

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

That the Sixty-eighth Legislative Assembly urges the Postmaster General of the United States Postal Service to issue a postage stamp commemorating Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the Postmaster General of the United States Postal Service and each member of the North Dakota Congressional Delegation.

Filed March 15, 2023

## CHAPTER 628

### SENATE CONCURRENT RESOLUTION NO. 4009

(Senators Mathern, Hogan)  
(Representatives Conmy, Dobervich, Karls, Weisz)

A concurrent resolution directing the Legislative Management to consider studying whether health insurance should provide coverage for diagnostic and supplemental breast examinations without imposing cost-sharing requirements.

**WHEREAS**, cost-sharing requirements mean deductible, coinsurance, copayment, and any maximum limitations on the application of the deductible, coinsurance, copayment, or similar out-of-pocket expenses; and

**WHEREAS**, diagnostic breast examinations are medically necessary and clinically appropriate examinations of the breast, including examinations using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound, which are used to evaluate an abnormality seen or suspected from a screening examination for breast cancer, or used to evaluate an abnormality detected by another means of examination; and

**WHEREAS**, supplemental breast examinations are medically necessary and appropriate examinations of the breast, including examinations using breast magnetic resonance imaging or breast ultrasound, which are used to screen for breast cancer when there is no abnormality seen or suspected, and based on personal or family medical history or on additional factors that may increase the individual's risk of breast cancer; and

**WHEREAS**, diagnostic and supplemental imaging are essential tools in the screening and diagnosis of breast cancer; and

**WHEREAS**, approximately 12 to 16 percent of patients undergoing a screening mammogram are referred by their radiologist for diagnostic testing; and

**WHEREAS**, screening mammograms are cost-free under the federal Affordable Care Act, cost-sharing requirements apply to diagnostic and supplemental imaging procedures under private insurance plans, ranging in cost from the hundreds to the thousands of dollars per procedure; and

**WHEREAS**, cost is a contributing factor in why patients skip diagnostic testing and do not follow up after their initial screening mammogram; and

**WHEREAS**, the current coverage disparity is most evident by income level and race, with lower and middle-income patients, insured but unable to pay higher costs for additional testing, often forgoing testing and potential treatment until cancer has progressed to a more advanced stage; and

**WHEREAS**, early detection of breast cancer leads to the greatest chance of survivability;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH**

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**DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Management consider studying whether health insurance should provide coverage for diagnostic and supplemental breast examinations without imposing cost-sharing requirements; and

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

Filed March 27, 2023

## CHAPTER 629

### SENATE CONCURRENT RESOLUTION NO. 4011

(Senators Lee, Hogan)  
(Representatives Mitskog, M. Ruby, Weisz)

A concurrent resolution directing the Legislative Management to consider studying the program of all-inclusive care for the elderly and the benefits of expanding the program.

**WHEREAS**, the program of all-inclusive care for the elderly provides a full-service delivery system including patient-centered and coordinated care to frail and elderly individuals; and

**WHEREAS**, these services include preventive, primary, short-term, and long-term care while allowing most individuals to continue living at home; and

**WHEREAS**, the program provides services for Medicare and Medicaid-eligible enrollees including physical and occupational therapy, nutritional counseling, social services, and meals to individuals, which are provided mainly in a program center but also are provided in home as needed; and

**WHEREAS**, approximately 121 individuals residing in the Fargo area are eligible and this number is projected to grow to 143 in 2027; and approximately 102 individuals residing in the Grand Forks area are eligible and this number is projected to grow to 118 in 2027; and

**WHEREAS**, North Dakota has among the lowest income eligibility for the program; and

**WHEREAS**, 24 of 32 states set income eligibility at 300 percent of social security income; and

**WHEREAS**, if North Dakota increased its income eligibility to 300 percent of social security income, eligibility numbers would increase dramatically to a projected 383 individuals in the Fargo area in 2027, and 276 individuals in the Grand Forks area in 2027; and

**WHEREAS**, the program of all-inclusive care for the elderly will require increased enrollment and market penetration to become financially self-sustaining;

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

That the Legislative Management consider studying the program of all-inclusive care for the elderly and the benefits of expanding the program; and

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

Filed March 27, 2023

## CHAPTER 630

### SENATE CONCURRENT RESOLUTION NO. 4014

(Senators Bekkedahl, Elkin, Kessel, Patten)  
(Representatives Kempenich, Steiner)

A concurrent resolution urging the Secretary of the Interior and the Director of the National Park Service to modify its proposed livestock management plan, to recognize the benefits of livestock grazing, and to continue to allow for interpretative, cultural, and historical purposes a herd of longhorn steers in the North Unit of the Theodore Roosevelt National Park and the presence of a wild horse herd in the South Unit of the Theodore Roosevelt National Park.

**WHEREAS**, Theodore Roosevelt was an American statesman, conservationist, historian, and writer, who served as the twenty-sixth President of the United States; and

**WHEREAS**, before becoming President of the United States, Theodore Roosevelt ranched and hunted in the 1880s near Medora, North Dakota, and is credited with saying, "I never would have been President if it had not been for my experiences in North Dakota"; and

**WHEREAS**, Theodore Roosevelt's legacy was commemorated with the establishment of the South Unit of the Theodore Roosevelt National Memorial Park in 1947, and the North Unit in 1948; and

**WHEREAS**, in 1978, the areas were given national park status and renamed as the Theodore Roosevelt National Park, which is the only national park named directly for a single person; and

**WHEREAS**, longhorns and wild horse herds, present in the era of Theodore Roosevelt, have been an integral part of the recent history of Theodore Roosevelt National Park and should therefore be preserved in some form for the benefit of the public narrative; and

**WHEREAS**, livestock grazing is beneficial to Theodore Roosevelt National Park as an effective tool to manage a variety of forage, spur growth of perennial grasses, decrease invasive species, increase organic matter, suppress wildfires, and support biodiversity and more resilient landscapes;

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

That the Sixty-eighth Legislative Assembly urges the National Park Service to preserve the longhorn steers and wild horses residing within Theodore Roosevelt National Park and the United States Congress to assist with preserving the historic herds; and

**BE IT FURTHER RESOLVED**, the Secretary of State forward copies of this resolution to the United States Secretary of the Interior, the Director of the National Park Service, and each member of the North Dakota Congressional Delegation.

Filed April 17, 2023

## CHAPTER 631

### SENATE CONCURRENT RESOLUTION NO. 4015

(Senators Hogan, Cleary)

A concurrent resolution recognizing the 25<sup>th</sup> anniversary of the ratification of the Good Friday Agreement that provided the framework for lasting peace in Northern Ireland and celebrating the flag of Ireland as a symbol of peace and a link between the United States and Ireland.

**WHEREAS**, 2023 marks the 25<sup>th</sup> anniversary of the ratification of the Good Friday Agreement reached on April 10, 1998; and

**WHEREAS**, while there are some outstanding issues, the Good Friday Agreement has been a considerable success which saved lives as a result of the continuous bipartisan support for the Good Friday Agreement by state legislators, successive United States Presidents, the United States Senate, United States House of Representatives, and elected officials working in partnership with the Government of the United Kingdom and the Government of Ireland; and

**WHEREAS**, the Good Friday Agreement represented a landmark breakthrough that provided Ireland with a political framework to address its future; and

**WHEREAS**, the Good Friday Agreement acknowledged the right of individuals with differing political traditions to pursue their goals of remaining part of the United Kingdom or of the Irish Unity; and

**WHEREAS**, the Good Friday Agreement demonstrated democratic and peaceful means of resolving differences; and

**WHEREAS**, the British and Irish Governments' ongoing support and implementation of the Good Friday Agreement is commendable, regardless of the United Kingdom's status regarding the European Union; and

**WHEREAS**, despite the historic progress that resulted from the Good Friday Agreement and subsequent agreements, important issues remain unresolved in Northern Ireland, including securing justice for victims of state-sponsored violence and other violence and providing for the rights of all sections of the community; and

**WHEREAS**, members of both political parties in the United States came together to support the Good Friday Agreement; and

**WHEREAS**, on the 17<sup>th</sup> of March during the annual celebration of the feast of Saint Patrick, the patron saint of Ireland, Irish Americans join with men, women, and children of all ethnic origins for one day becoming Irish and celebrating Saint Patrick and this year we also celebrate and give thanks for the 25<sup>th</sup> anniversary of the Good Friday Agreement; and

**WHEREAS**, 2023 also marks the 175<sup>th</sup> anniversary of the first flying of the Irish flag by Thomas F. Meagher who embodied the links between Ireland and the United States of America; and

**WHEREAS**, Thomas F. Meagher ran for election to the City Council in Waterford, Ireland, led the rebellion for freedom from British rule in Ireland in 1848, was sentenced to death, which was commuted to transportation for life in prison in Australia, from where he escaped, became a brigadier general in the 69<sup>th</sup> Regiment of the famous 'Fighting Irish Brigade' and fought in some of the bloodiest battles of the American Civil War, including Fredericksburg and Antietam, became a friend of President Abraham Lincoln, and went on to become the acting territorial governor of Montana, dying under mysterious circumstances at the age of 43;

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

That the Sixty-eighth Legislative Assembly recognizes the 25<sup>th</sup> anniversary of the ratification of the Good Friday Agreement that provided the framework for lasting peace in Northern Ireland and celebrates the flag of Ireland as a symbol of peace and a link between the United States and Ireland; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation; Senator Mark Daly, Chair of the Senate of Ireland; and to the National co-chairs of the American Irish State Legislators Caucus: Assemblywoman Carol Murphy, New Jersey; Assemblyman Robin Vos, Wisconsin; Senator Shannon O'Brien, Montana; Representative Brian Patrick Kennedy, Rhode Island; Assemblyman James Gallagher, California; Representative Fran Hurley, Illinois; and Representative Killian Timoney, Kentucky.

Filed March 22, 2023

## CHAPTER 632

### SENATE CONCURRENT RESOLUTION NO. 4016

(Senators Magrum, Weston)  
(Representatives Hoverson, S. Olson)

A concurrent resolution directing the Legislative Management to consider studying the availability of adequately accessible housing in the state for individuals with mobility impairments or physical disabilities.

**WHEREAS**, the Americans with Disabilities Act aimed to secure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities; and

**WHEREAS**, the availability of accessible housing plays a key role in furthering the goal of the Americans with Disabilities Act, which has become increasingly important as the nation's population ages; and

**WHEREAS**, the majority of homes are not fully accessible, with less than 5 percent of homes having the features needed to accommodate an individual with moderate mobility difficulties, and an even smaller percentage meeting the requirements for wheelchair accessibility; and

**WHEREAS**, the existing inventory of homes is not well equipped to accommodate people with disabilities; and

**WHEREAS**, the need for accessible housing likely will become more acute as the number of older Americans who have both ambulatory limitations and a desire to age-in-place grows;

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

That the Legislative Management consider studying the availability of adequately accessible housing in the state for individuals with mobility impairments or physical disabilities; and

**BE IT FURTHER RESOLVED**, the study include evaluating statewide challenges and barriers to expanding the state's inventory of accessible housing, assessing the need for and availability of accessible housing for individuals with mobility impairments or physical disabilities, and evaluating the effective, long-term home modifications that could support and increase the availability of accessible homes; and

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

Filed March 15, 2023

## CHAPTER 633

### SENATE CONCURRENT RESOLUTION NO. 4017

(Senators Kessel, Luick, Wanzek, Weber)

(Representative Thomas)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging the Administrator of the United States Environmental Protection Agency to fully reinstate, and strictly abide by the October 17, 2017, memorandum titled *Adhering to the Fundamental Principles of Due Process, Rule of Law, and Cooperative Federalism in Consent Decrees and Settlement Agreements*; to promulgate and enforce only environmental regulations that appropriately take into account public and private fiscal impacts as well as the nation's continuing food security and energy security; and to defer to and work together in good faith with all sovereign states in the spirit of cooperative federalism.

**WHEREAS**, on October 16, 2017, United States Environmental Protection Agency Administrator E. Scott Pruitt issued the ethical memorandum entitled *Adhering to the Fundamental Principles of Due Process, Rule of Law, and Cooperative Federalism in Consent Decrees and Settlement Agreements* that rightly banned the United States Environmental Protection Agency from deigning to regulate through litigation by means of engaging in "sue and settle" litigation practices or participating in "friendly lawsuits"; and

**WHEREAS**, less than five years later, on March 18, 2022, United States Environmental Protection Agency Administrator Michael S. Regan subsequently formally and brazenly revoked the United States Environmental Protection Agency's standing, highly principled memorandum; and

**WHEREAS**, upon the revocation of the memorandum, the United States Environmental Protection Agency consequently has returned to resolving litigation through consent decrees and settlement agreements that readily appear to be the result of collusion with outside groups; and

**WHEREAS**, the United States Environmental Protection Agency's consequent return to regulation through litigation violates due process, the rule of law, and cooperative federalism, and subsequently causes sovereign states and persons substantial economic uncertainty, legal uncertainty, liability uncertainty, and regulatory uncertainty; and

**WHEREAS**, the United States Environmental Protection Agency's consequent overwhelming cascade of new and proposed costly and unnecessary regulations burdening the state's agriculture economy is unprecedented, crushing the ability of the state's producers to produce safe and affordable food, feed, fuel, and fiber reliably and efficiently for the nation; and

**WHEREAS**, the United States Environmental Protection Agency's consequent unbridled approach of issuing and enforcing unbalanced and unwarranted regulations is unduly stifling the state's economy by erecting needless barriers to critical energy

development and production, consequently adversely affecting the nation's energy security; and

**WHEREAS**, the United States Environmental Protection Agency's consequent overbearing regulatory burdens are far too costly and onerous relative to the supposed environmental protection benefits provided; and

**WHEREAS**, the United States Environmental Protection Agency shall consistently base each of its regulatory decisions on a foundation of sound empirical science and good governance, and not condescend to engage in unethical agency practices to align with or placate environmental activist alarmism or other agenda-driven political or ideological pressure; and

**WHEREAS**, individual sovereign states and local communities steadfastly remain best positioned and retain primary responsibility to regulate and provide balanced and effective environmental oversight in achieving and maintaining clean air, clear water, and healthy soils within their respective jurisdictions;

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

That the Sixty-eighth Legislative Assembly urges the Administrator of the United States Environmental Protection Agency to fully reinstate, and strictly abide by the October 17, 2017, memorandum titled *Adhering to the Fundamental Principles of Due Process, Rule of Law, and Cooperative Federalism in Consent Decrees and Settlement Agreements*; to promulgate and enforce only environmental regulations that appropriately take into account public and private fiscal impacts as well as the nation's continuing food security and energy security; and to defer to and work together in good faith with all sovereign states in the spirit of cooperative federalism; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution via certified mail with return receipt requested to the Administrator of the United States Environmental Protection Agency, the United States Secretary of Agriculture, the United States Secretary of Energy, the United States Secretary of the Interior, the Director of the United States Fish and Wildlife Service, the Commanding General of the United States Army Corps of Engineers, and each member of the North Dakota Congressional Delegation.

Filed April 11, 2023