

# HOUSE CONCURRENT RESOLUTIONS

## CHAPTER 759

HOUSE CONCURRENT RESOLUTION NO. 3001  
(Legislative Council)  
(Interim Budget Committee on Human Services)

### MENTAL HEALTH MONITORING

A concurrent resolution directing the Legislative Council to monitor the continued development of a continuum of services for the mentally ill and chemically dependent including expanded community services and related changes in the role of the State Hospital.

WHEREAS, pursuant to North Dakota Century Code Section 50-06-06.5, which was a recommendation resulting from a 1985-86 study by the Legislative Council's interim Budget Committee on Human Services, the Department of Human Services has developed a plan for an integrated, multidisciplinary continuum of service for mentally ill individuals; and

WHEREAS, during the 1987-88 interim the Legislative Council's Budget Committee on Human Services studied the role and function of the State Hospital in the provision of services to the mentally ill and chemically dependent, and during the 1989-90 interim the Legislative Council's Budget Committee on Human Services reviewed the plan for expanding community services for the chronically mentally ill and chemically dependent and the future role of the State Hospital; and

WHEREAS, the implementation of the plan included the appropriation of an additional \$3.6 million of state funds during the 1989-91 biennium for additional community services for the mentally ill and chemically dependent; and

WHEREAS, appropriate, quality support services are necessary for the successful treatment and integration of the mentally ill and chemically dependent into the community; and

WHEREAS, the Legislative Council's interim Budget Committee on Human Services, in monitoring the department's implementation of the plan during the 1989-90 interim, expressed a concern that adequate community services may not be currently available to accommodate the demand, due in part to a reduction in the population at the State Hospital; and

WHEREAS, the committee was informed the department's 1991-93 budget request for community services for the mentally ill and chemically dependent does not include sufficient funds to meet all the needs identified by the regional human service centers;

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

That the Legislative Council monitor the continued development of a continuum of services for the mentally ill and chemically dependent,

including expanded community services, the need for adequate, quality support services especially in the area of direct patient care, and related changes in the role of the State Hospital, the related fiscal impact for the 1993-95 biennium of any proposed changes, and the extent to which adequate community services are available; and

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

Filed April 1, 1991

## CHAPTER 760

HOUSE CONCURRENT RESOLUTION NO. 3002  
(Legislative Council)  
(Interim Budget Committee on Long-Term Care)

### PUBLIC ASSISTANCE STUDY

A concurrent resolution directing the Legislative Council to study the implementation of federal Family Support and Medicare Catastrophic Coverage Acts of 1988, as amended, to determine the financial impact of the Acts during the 1993-95 biennium and to review the effectiveness of changes to the system of delivering public assistance to North Dakota families and individuals.

WHEREAS, federal welfare reform legislation, known as the Family Support Act of 1988, requires North Dakota to develop a job opportunities basic skills (JOBS) program to assist individuals in transition from public assistance to independent support by providing them with education and training activities to assist them in obtaining employment; and

WHEREAS, the Act also requires North Dakota to provide the necessary case management, child care, transitional child care, transitional medical care, and expanded aid for families with dependent children (AFDC) for two parent families with unemployed or underemployed parents; and

WHEREAS, the Medicare Catastrophic Coverage Act of 1988, as amended, places additional financial requirements on North Dakota's Medicaid plan by requiring the state to pay Medicare premiums for certain low income persons, provide Medicaid coverage for children and pregnant women at an expanded eligibility level, and allow additional protection of assets and resources of persons whose spouses are in nursing homes and covered by Medicaid; and

WHEREAS, Congress is considering legislation that would make significant changes to the provision and funding of child care, and may also consider other legislation that may impact the implementation of these Acts; and

WHEREAS, if Congress makes significant changes to these Acts, the 1993 Legislative Assembly needs to be informed of the related financial impact for the 1993-95 biennium;

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

That the Legislative Council study the implementation of the federal Family Support and Medicare Catastrophic Coverage Acts of 1988, as amended, to determine the financial impact of the Acts during the 1993-95 biennium and to review the effectiveness of changes to the system of delivering public assistance to North Dakota families and individuals; and

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

Filed April 1, 1991

## CHAPTER 761

HOUSE CONCURRENT RESOLUTION NO. 3006  
(Legislative Council)  
(Interim Legislative Management Committee)

### ANNUAL LEGISLATIVE SESSION STUDY

A concurrent resolution directing the Legislative Council to study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1993 and 1994.

WHEREAS, in 1976 the Constitution of North Dakota was amended to allow the Legislative Assembly to meet in regular session for 80 natural days and to provide that days spent in regular session need not be consecutive; and

WHEREAS, after seven sessions of operating under the 80 natural day provision the Legislative Assembly requested the Legislative Council to study the legislative process during the 1989-90 interim, with emphasis on the appropriate use of the 80 natural days allowed for the Legislative Assembly to be in session; and

WHEREAS, during that study information was received on the South Dakota Legislature, which meets for a 40-day session in odd-numbered years and a 35-day session in even-numbered years, and the Wyoming Legislature, which meets for a 40-day general session in odd-numbered years and 20-day budget session in even-numbered years; and

WHEREAS, the complexities of governing the state require that the Legislative Assembly meet in annual session beginning in 1993 and 1994; and

WHEREAS, further legislative study is needed for the development of a specific procedure for an odd-numbered year session and an even-numbered year session;

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

That the Legislative Council study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1993 and 1994; and

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

Filed March 20, 1991

## CHAPTER 762

HOUSE CONCURRENT RESOLUTION NO. 3007  
(Dorso, Gorman)

### STUDENT AID PROGRAM FAIRNESS URGED

A concurrent resolution urging the North Dakota Congressional Delegation to assure fairness in student aid programs.

WHEREAS, tomorrow's complex economy will demand increasing numbers of skilled workers; and

WHEREAS, only some of the skills our workforce will need to assure our future economic prosperity in an increasingly competitive world economy are taught in traditional four-year colleges; and

WHEREAS, 70 percent of all jobs over the next decade will require some form of technical education beyond high school; and

WHEREAS, only 50 percent of high school graduates will go to college and 42 percent of those students will not obtain a college degree; and

WHEREAS, access to student aid for individuals regardless of socioeconomic status is the basic premise upon which the federal student financial assistance programs were founded;

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

That the Fifty-second Legislative Assembly urges each member of the North Dakota Congressional Delegation, during the reauthorization of the Higher Education Act of 1965, to address the human capital needs of this nation's workforce for the year 2000 and beyond by recognizing the diversity of postsecondary education options available to students with a variety of needs and goals and assuring that financial aid is neutral and not giving undue advantage to one type of education over another; to restore confidence and integrity in the student aid programs by making every effort to prevent fraud and abuse in the federal student aid programs and requiring all postsecondary institutions to provide information on the cost, educational requirements, chances of succeeding, and employment or continuing education possibilities experienced by graduates; to assure fairness in the student aid programs and provide students with the financial opportunity to choose among all schools by making student aid programs understandable and the application system appropriate to the individual; and to guarantee access to student aid on the basis of type of schools, default rates, and programs chosen; and

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

Filed March 19, 1991

## CHAPTER 763

HOUSE CONCURRENT RESOLUTION NO. 3010  
(Representatives Jensen, Svedjan, Rydell)  
(Senator Holmberg)

### STATE HEALTH CARE POLICY STUDY

A concurrent resolution directing the Legislative Council to study the need for and feasibility of adopting and implementing a state health policy for the purpose of providing basic medical and health care to all citizens of the state.

WHEREAS, the American health care system continues to decline in its ability to provide affordable, accessible, quality care to those who need that care; and

WHEREAS, neither the federal government nor state governments have determined whether health care is a basic, fundamental human right or only a commodity available for purchase by those most financially able; and

WHEREAS, there is a reliance by health care providers on costly technologies the impact of which is aggravated by the lack of any regional mechanism for providing those technologies in a manner that would reduce cost to the consumer and expand accessibility; and

WHEREAS, if the inadequacies of the health care delivery system are seen only as a crisis affecting the poor, whatever remedial measures that are devised will either be ineffective in addressing systemic problems or will aggravate present problems; and

WHEREAS, insurance companies find it necessary to increase the cost of insurance premiums while the coverages provided are reduced, thereby creating an impression in the minds of many that the health care system is driven more by a concern for financial gain than by sensitivity to the health care needs of consumers; and

WHEREAS, while the spiraling cost of health care is of national import, it directly affects each citizen of this state by limiting the accessibility and affordability of health care; and

WHEREAS, a North Dakota health task force has been formed for the purpose of creating a proposed health policy for North Dakota;

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

That the Legislative Council study the need for and feasibility of adopting and implementing a state health policy for the purpose of providing basic medical and health care to all citizens of the state; and

BE IT FURTHER RESOLVED, that the membership of the committee to which the study is assigned include citizen members representing the health care industry, labor, employers, and principal affected executive agencies; and

BE IT FURTHER RESOLVED, that the Legislative Council receive and consider, on an ongoing basis, the reports and recommendations of the North Dakota health task force; and

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

Filed April 1, 1991

**CHAPTER 764**

HOUSE CONCURRENT RESOLUTION NO. 3013  
(Representatives Jensen, Wald, Clayburgh)  
(Senators Holmberg, Ingstad, Goetz)

**HIGHER EDUCATION FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study methods of funding higher education.

WHEREAS, it is a legislative responsibility to determine and provide adequate funding for each higher education institution in North Dakota; and

WHEREAS, the current method of determining funding for each higher education institution, which is based on the number of students at a particular institution, may be an inappropriate measure of the needs of the institution; and

WHEREAS, alternative funding methods need to be examined, including determining funding based on program needs of each institution;

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

That the Legislative Council study the adequacy and appropriateness of the current funding method used to determine higher education institution appropriations and consider alternative methods, including program based funding for North Dakota higher education institutions; and

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

Filed March 6, 1991

## CHAPTER 765

### HOUSE CONCURRENT RESOLUTION NO. 3014 (Kretschmar)

## UNIFORM STATE LAWS COMMISSION ANNIVERSARY

A concurrent resolution recognizing the 100th anniversary of the National Conference of Commissioners on Uniform State Laws.

WHEREAS, on August 24, 1892, representatives from seven states--Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey, and Pennsylvania--met as a conference of commissioners to explore the most effective manner in which to effect uniformity of law to ease problems developing between increasingly interdependent states; and

WHEREAS, by 1912 every state had appointed commissioners to the National Conference of Commissioners on Uniform State Laws; and

WHEREAS, over its decades of existence the conference has recommended proposals concerning wills and written instruments; problems occasioned by interstate commerce; partnerships and child labor; aviation and public utilities; torts and trusts; commercial transactions; probate procedures; child custody jurisdiction, anatomical gifts, and class actions; and commercial and family law issues; and

WHEREAS, North Dakota recognized the benefit of these uniform and model acts, which provide comprehensive legislative solutions to basic state problems, by joining the national conference in 1893; by enacting its first uniform act, the negotiable instruments law, in 1899; and by adopting 107 uniform acts; and

WHEREAS, since joining the conference in 1893, the 36 commissioners who have represented North Dakota have promoted the principles of the national conference, including betterment of the law, enhancement of a federal-state system of government, and insistence of the principle of uniformity only when that principle best serves the interests of the individual states and their citizens;

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

That the Fifty-second Legislative Assembly of North Dakota recognizes the 100th anniversary of the National Conference of Commissioners on Uniform State Laws and its contributions to the betterment of the law through promotion of uniformity in the laws when uniformity best serves the interests of the states; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the president of the National Conference of Commissioners on Uniform State Laws and to each member of the North Dakota Commission on Uniform State Laws.

Filed March 19, 1991

## CHAPTER 766

HOUSE CONCURRENT RESOLUTION NO. 3015  
(G. Berg, Thompson, Skjerven, Tollefson)

### **POLITICAL SUBDIVISION EFFICIENCY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility of improving the efficiency of political subdivision government structure and services.

WHEREAS, political subdivisions are confronted with increasing demands for services and operate on limited budgets; and

WHEREAS, services and functions of political subdivisions should be constantly monitored to discover opportunities to improve the efficiency and services furnished by political subdivisions; and

WHEREAS, the growing importance of computer technology and its potential to improve the efficiency and services of political subdivision governments should be studied; and

WHEREAS, studies and recommendations of groups interested in the function of local government should be monitored by the Legislative Council;

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

That the Legislative Council study the feasibility of improving the efficiency and services of political subdivisions, with emphasis on the potential of computer usage in this respect, and monitor studies and recommendations of groups interested in the function of political subdivision governments; and

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

Filed April 1, 1991

## CHAPTER 767

HOUSE CONCURRENT RESOLUTION NO. 3017  
(Representatives DeMers, R. Berg, Ring)  
(Senators Schoenwald, Nalewaja, Mathern)

### EMPLOYMENT FOR OLDER WORKERS STUDY

A concurrent resolution directing the Legislative Council to study employment opportunities for older workers, including barriers, benefit and retirement program options, and workplace education and training, so that older workers can maintain their economic security.

WHEREAS, approximately 28,000 North Dakotans age 55 and older are below 125 percent of the poverty guidelines; and

WHEREAS, adequate health care coverage may not be available for many North Dakotans, particularly those between 55 and 65 years of age who are not yet eligible for Medicare and may not be eligible for retirement benefits; and

WHEREAS, many older workers perceive that they will be subject to age discrimination in the labor market and, therefore, do not even make the attempt to find employment; and

WHEREAS, a declining number of young workers are entering the workforce and older workers can help fill growing worker shortages because many are willing and able to work beyond normal retirement age; and

WHEREAS, employers should be encouraged to provide workers with ongoing training because the workplace is rapidly changing and new technology requires people to update their skills continually through life-long education and job training; and

WHEREAS, employers should be encouraged to recruit older workers and redesign jobs through programs like job sharing, working from home, and flexible work schedules, to make jobs more attractive for older workers; and

WHEREAS, because traditional benefit and retirement programs can be counterproductive and create barriers to continued employment, other benefit and retirement program options should be explored for those who wish to work beyond normal retirement age; and

WHEREAS, because, according to statistics, older workers use less sick leave, switch jobs less often, are more dependable, and possess better work habits, employers should be educated to overcome myths regarding older workers and encouraged to recruit older workers;

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

That the Legislative Council study employment opportunities for older workers, including myths and barriers to their employment, nontraditional benefit and retirement program options which encourage alternatives to full retirement, and continued education and training programs, so that older workers can continue to work and maintain their economic security; and

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

Filed March 20, 1991

## CHAPTER 768

### HOUSE CONCURRENT RESOLUTION NO. 3018

(Representatives Peterson, Payne, Kloubec, Dorso, Gorman, Gabrielson, Schneider, Scherber, Soukup, Bernstein, R. Berg, Larson, Pyle, Belter, Dalrymple)  
(Senators Mathern, Tennesfos, Kelly, Peterson, Lindgren, Nelson)

### FM ACRO TEAM RECOGNITION

A concurrent resolution recognizing the FM Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

WHEREAS, the FM Acro Team, comprised of talented young women from the Fargo-Moorhead area under the directorship and coaching of Mr. Jim Simle, has achieved national prominence through performances in all parts of the United States before hundreds of thousands of people at National Basketball Association, National Football League, and major college sporting events; and

WHEREAS, the enthusiastic and talented performances of the FM Acro Team never fail to bring the crowd to its feet in ovation and leave North Dakotans with immense pride that this group is from our state; and

WHEREAS, the goodwill already, and yet to be, generated by the FM Acro Team is deserving of official recognition;

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

That the FM Acro Team is recognized for their national prominence and the team is hereby designated as "Official Goodwill Ambassadors of North Dakota"; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the FM Acro Team and their coach and director Mr. Jim Simle.

Filed January 29, 1991

## CHAPTER 769

HOUSE CONCURRENT RESOLUTION NO. 3019  
(Representatives Skjerven, Urlacher)  
(Senator Graba)

### STATE MANDATES STUDY

A concurrent resolution directing the Legislative Council to study the impact of state mandates on political subdivisions and to develop a procedure for the funding of new programs, services, or functions that the Legislative Assembly mandates on political subdivisions.

WHEREAS, the Legislative Assembly mandates political subdivisions to carry out or perform certain programs, services, or functions; and

WHEREAS, these mandates have an impact on political subdivision's budgets, often in the middle of a budget year; and

WHEREAS, these mandates are often not accompanied by a revenue source or state appropriation; and

WHEREAS, the state should be responsible for providing funding or a funding source for mandates on political subdivisions;

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

That the Legislative Council study the impact of state mandates on political subdivisions and develop a procedure for the funding of new programs, services, or functions that the state mandates on political subdivisions; and

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

Filed April 1, 1991

## CHAPTER 770

HOUSE CONCURRENT RESOLUTION NO. 3020  
(Representative Kretschmar)  
(Senator Satrom)

### JOINT POWERS EXERCISE STUDY

A concurrent resolution directing the Legislative Council to study North Dakota laws relating to the joint exercise of governmental powers by political subdivisions to determine whether those laws unnecessarily inhibit the broad authority conferred by the state constitution for joint powers agreements among political subdivisions.

WHEREAS, "joint powers" agreements for the cooperative or joint administration of powers among political subdivisions of the state, including counties, cities, townships, park districts, and school districts, are an essential means for providing opportunities for innovation, creativity, and efficiency in the delivery of essential services by political subdivisions to the citizens of North Dakota, and for positioning those political subdivisions for effective governance in the twenty-first century; and

WHEREAS, the people of this state, through the Constitution of North Dakota, Article VII, Section 10, have provided political subdivisions with broad authority to enter into joint powers agreements with other political subdivisions, subject to limitations that may be imposed by the Legislative Assembly or home rule charter; and

WHEREAS, North Dakota Century Code Chapter 54-40 also provides political subdivisions with broad authority to enter into joint powers agreements; however, that chapter and other statutory provisions impose specific procedural requirements or limitations on that authority, or make reference to particular forms of joint powers agreements, which have raised questions regarding statutory interpretation and have caused confusion with respect to the authority of political subdivisions to enter into joint powers agreements; and

WHEREAS, state laws should not unnecessarily inhibit cooperative agreements among political subdivisions, but rather, the Legislative Assembly should further encourage these efforts by addressing the needs of political subdivisions that desire to utilize joint powers agreements, including the identification and development of model agreements and the provision of appropriate incentives;

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

That the Legislative Council study laws relating to the joint exercise of governmental powers by political subdivisions, including any statutes scheduled for future repeal pursuant to legislation enacted by the Fifty-second Legislative Assembly, to determine whether those laws unnecessarily inhibit political subdivisions from entering into joint powers

agreements with other political subdivisions pursuant to the broad authority conferred by the state constitution for those agreements; and

BE IT FURTHER RESOLVED, that the Legislative Council study possible sources and methods for the identification, development, and dissemination of model joint powers agreements for use by political subdivisions, and the provision of appropriate incentives to encourage political subdivisions to enter into joint powers agreements; and

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

Filed April 1, 1991

## CHAPTER 771

HOUSE CONCURRENT RESOLUTION NO. 3021  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Nelson)

### OVERTURN SALES TAX DECISION URGED

A concurrent resolution urging Congress to adopt legislation to overturn the 1967 United States Supreme Court National Bellas Hess decision.

WHEREAS, the United States Supreme Court in 1967 in the National Bellas Hess v. Illinois Department of Revenue decision ruled that states cannot require out-of-state catalog companies to collect and remit sales tax if no physical presence is apparent; and

WHEREAS, adopted legislation of the fiftieth North Dakota Legislative Assembly defined a "retailer" with apparently sufficient definition to include an out-of-state catalog company as having nexus with the state of North Dakota; and

WHEREAS, enforcement efforts by the state of North Dakota to bring out-of-state catalog companies into compliance with the collection and remittance of sales tax has been thwarted by a recent North Dakota district court ruling affirming that the defendant did not have sufficient nexus with the state of North Dakota; and

WHEREAS, the state of North Dakota has lost an estimated five to ten million dollars per year in uncollected sales taxes;

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

That the Fifty-second Legislative Assembly urges the Congress of the United States to take immediate and aggressive legislative action to overturn the 1967 United States Supreme Court National Bellas Hess decision, and to allow states to require out-of-state catalog companies to collect and remit sales taxes on sales to customers within their respective states; and

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

Filed April 1, 1991

## CHAPTER 772

HOUSE CONCURRENT RESOLUTION NO. 3022  
(Representatives St. Aubyn, Timm, Rennerfeldt)  
(Senator Evanson)

### SAFE DRINKING WATER ACT STUDY

A concurrent resolution directing the Legislative Council to study the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities.

WHEREAS, the Congress of the United States has enacted the Safe Drinking Water Act to protect ground water quality and to prevent contamination of drinking water supplies; and

WHEREAS, the United States Environmental Protection Agency has been charged with implementing the provisions of the federal Safe Drinking Water Act; and

WHEREAS, the Legislative Assembly has declared it to be the policy of this state that safe supplies of drinking water are essential to the maintenance of public health and welfare; and

WHEREAS, the Legislative Assembly has designated the State Department of Health and Consolidated Laboratories as the state safe drinking water agency for all purposes of the federal Safe Drinking Water Act and has authorized the department to take all actions necessary and appropriate to secure for the state the benefit of the federal Safe Drinking Water Act and any grants made under the Act; and

WHEREAS, the cost to local North Dakota communities of constructing water treatment facilities and conducting water tests pursuant to the Act may be significant; and

WHEREAS, only a small portion of treated water is actually used for human consumption; and

WHEREAS, the availability of aid and assistance from federal and state agencies such as the United States Environmental Protection Agency and the North Dakota Department of Health and Consolidated Laboratories should be fully explored; and

WHEREAS, the Legislative Council should undertake a study of what measures should be implemented to assist North Dakota communities in complying with the federal Safe Drinking Water Act;

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

That the Legislative Council study the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities; and

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

Filed March 20, 1991

## CHAPTER 773

HOUSE CONCURRENT RESOLUTION NO. 3023  
(Representatives Meyer, Gates)  
(Senators Peterson, Wogsland, Kelsh)

### EDUCATION ADMINISTRATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of various methods for redesigning the administration of education in North Dakota.

WHEREAS, it is imperative that the North Dakota educational system, as a whole, develop a sense of mission and common direction that can guide the cooperative development of a comprehensive and integrated educational strategy to prepare children and adults for life and work in the 21st Century; and

WHEREAS, a unified approach to the implementation of state education policy is essential in times when the resources available for education are limited; and

WHEREAS, coordination within the state's educational system is essential for many reasons, including the preparation and transition of public and nonpublic high school graduates to postsecondary education, the provision of varied educational opportunities for all schoolchildren, and the professional development of teachers for our elementary and secondary schools; and

WHEREAS, to maintain the efficient and effective organization of state government, including the state's educational system, it is properly the duty of the Legislative Assembly to continuously review and coordinate the functions of state government, to provide greater accountability for the operations of that government, to establish a more responsive administrative structure that provides significantly improved government services to the state's citizens, to identify opportunities to save and avoid costs by improving state government organization, and to offer an organizational structure that is appropriate for the unique economic, social, and political environment of the state; and

WHEREAS, it would be both prudent and timely for the Legislative Assembly to undertake a comprehensive review of the state's current administrative structure for the delivery of education services and programs to determine whether that structure represents the most effective and efficient organization necessary to position North Dakota for effective educational governance in the 21st Century;

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 various methods for redesigning the administration of education in North

Dakota, including consideration of consolidating into a single department of state government, by the year 2000, the functions associated with the state board of vocational education, the office of superintendent of public instruction, the department of public instruction, the state board of public school education, and the state board of higher education; and

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

Filed March 19, 1991

**CHAPTER 774**

HOUSE CONCURRENT RESOLUTION NO. 3024  
(Nicholas, Nowatzki)

**FEDERAL CROP INSURANCE IMPROVEMENT URGED**

A concurrent resolution urging the federal government to fully fund, simplify, and improve the federal crop insurance program.

WHEREAS, from 1981 through 1990, the federally backed multiple peril crop insurance program has provided North Dakota farmers with over \$5 billion in protection on growing crops; and

WHEREAS, this insurance has protected North Dakota farmers and their farm credit resources from financially disastrous crop losses due to insurable causes beyond their control; and

WHEREAS, this protection has contributed significantly to help stabilize the whole economy of the economy of rural communities throughout the state of North Dakota; and

WHEREAS, farmers have seen marked improvements in the crop insurance program since the federal government began to utilize the expertise and efficiency of the private crop insurance industry; and

WHEREAS, the private sector is prepared to assume a larger role in improving the administration and efficiency of the program for the benefit of farmers and taxpayers; and

WHEREAS, the crop insurance reforms of the 1990 farm bill provide promise that the farmers of this state can have the added protection of improved coverages in the future;

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

That the President and the Congress of the United States are respectfully urged to continue to fully fund the program in the future and that the Secretary of Agriculture of the United States is encouraged to fully exercise all of the authority provided by the Federal Crop Insurance Act to improve coverage, simplify the program administration, and improve the program efficiency through the maximum utilization of the resources of the private crop insurance industry so as to achieve an evermore effective crop insurance program for the decade of the 1990's that will better serve the risk management needs of the farmers of this state and the nation; and

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

Filed March 19, 1991

## CHAPTER 775

HOUSE CONCURRENT RESOLUTION NO. 3025  
(Representative Martinson)  
(Senator Satrom)

### HOUSE AND SENATE EMPLOYEE COMPENSATION

A concurrent resolution designating House and Senate employees and fixing their compensation.

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

That for the Fifty-second Legislative Assembly the following persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions:

	HOUSE	
Roy Gilbreath, Chief Clerk		\$95.00
Jeane Marschke, Assistant Chief Clerk		80.00
Barbara Middaugh, Desk Reporter		89.00
Lance Hagen, Bill Clerk		74.00
Shawn Ackre, Sergeant-at-Arms		74.00
Darlyne Clausnitzer, Secretary to the Speaker		74.00
Mazie Patchen, Secretary to the Majority Leader		80.00
Al Hausauer, Staff Assistant to the Majority Leader		74.00
Melody Hanson, Secretary to the Minority Leader		80.00
Kathleen Joyce, Staff Assistant to the Minority Leader		74.00
Theola Stetson, Chief Stenographer and Payroll Clerk		74.00
Lois Schmidt, Stenographer		62.00
Sharon Jensen, Stenographer		62.00
Sandi Hohbein, Stenographer		62.00
Ardis Thompson, Stenographer		62.00
Kate Hanlon, Stenographer		62.00
Barbara Seyfert, Typist		62.00
Candace Makeeff, Typist		62.00
Judy Frink, Chief Assistant Committee Clerk		68.00
Barb Klein, Appropriations Committee Clerk		76.00
Nancy Hayes, Assistant Appropriations Committee Clerk		68.00
Breezy Kohls, Assistant Appropriations Committee Clerk		68.00
Rhonda Otto, Assistant Appropriations Committee Clerk		68.00
Judy Hoffman, Committee Clerk		68.00
Joan VonRueden, Committee Clerk		68.00
Janice Stein, Committee Clerk		68.00
Jonathan Thomson, Committee Clerk		68.00
Sandy Schafer, Committee Clerk		68.00
Andrea Howe, Committee Clerk		68.00
Kristi Sagsveen, Committee Clerk		68.00
Lucy Hugelen, Committee Clerk		68.00
Lisa Peterson, Committee Clerk		68.00

Mona Heustis, Committee Clerk	68.00
Doris Leingang, Assistant Committee Clerk	65.00
David Hougen, Deputy Sergeant-at-Arms	62.00
Jerome Moszer, Assistant Sergeant-at-Arms	58.00
Kirk Larson, Assistant Sergeant-at-Arms	58.00
Bernice Clark, Assistant Sergeant-at-Arms	58.00
John Power, Assistant Sergeant-at-Arms	58.00
Shane Burthold, Assistant Sergeant-at-Arms	58.00
Alphonse Koenigsman, Assistant Sergeant-at-Arms	58.00
Lloyd Putney, Assistant Sergeant-at-Arms	58.00
Peter Schafer, Supply Room Coordinator	58.00
Mark Zimmerman, Chief Page and Bill Book Clerk	65.00
Richard Stenberg, Assistant Chief Page and Bill Book Clerk	62.00
Cindy Kephart, Journal Page	58.00
Barbara Larson, Desk Page	58.00
Phyllis Connolly, Desk Page	58.00
Mike Boyd, Desk Page	58.00
Brett Nilles, Page and Bill Book Clerk	58.00
Tommy Debele, Page and Bill Book Clerk	58.00
Carl Strum, Page and Bill Book Clerk	58.00
Nancy Thompson, Page and Bill Book Clerk	58.00
Merry Hook, Page and Bill Book Clerk	58.00
Andi Thon, Page and Bill Book Clerk	58.00
Robbie Jewett, Page and Bill Book Clerk	58.00
Mike Peterson, Page and Bill Book Clerk	58.00
Marion Bassingwaite, Page and Bill Book Clerk	58.00
Aaron Dalke, Page and Bill Book Clerk	58.00
Kevin Carney, Page and Bill Book Clerk	58.00
Valeria Ciavarella, Page and Bill Book Clerk	58.00
Jim Weber, Page and Bill Book Clerk	58.00
John Larson, Page and Bill Book Clerk	58.00
Fay Pitzer, Page and Bill Book Clerk	58.00
Althea Yantzer, Page and Bill Book Clerk	58.00
Lorraine Moos, Telephone Attendant	58.00
Lois Borke, Telephone Attendant	58.00
Irma Holmstrom, Telephone Attendant	58.00
Betty Heinrich, Telephone Page	58.00
Peggy Puetz, Information Desk Attendant	58.00
Eli Nemer, Chief Bill and Journal Room Clerk	68.00
Herman Jacobsen, Bill Room Clerk	58.00
Ilona Richey, Bill Room Clerk	58.00
Burnetta Barth, Bill Room Clerk	58.00
John Schmidt, Bill Room Clerk	58.00
Faye Caya, Bill Room Clerk	58.00
Frank Zent, Journal Room Clerk	58.00
Hella Keller, Journal Room Clerk	58.00
Charles Holmes, Parking Lot Attendant	58.00
Eugene Reynolds, Janitor (partial pay only)	54.00
Joe Emineth, Janitor (partial pay only)	45.00
Francis Scharosch, Janitor (partial pay only)	38.00
Helen Just, Janitor (partial pay only)	37.00

## SENATE

Marion Houn, Secretary of the Senate	\$95.00
Bob Dykshoorn, Assistant Secretary of the Senate	80.00
Sally Paul, Desk Reporter	89.00
Myrna Lyng, Bill Clerk	74.00

Doug Nordby, Sergeant-at-Arms	74.00
Sandi Kershaw, Secretary to Majority Leader	80.00
Wanda Scheid, Staff Assistant to Majority Leader	74.00
Jan Harmon, Secretary to Minority Leader	80.00
Dan Austin, Staff Assistant to Minority Leader	74.00
Jane Schiele, Chief Stenographer and Payroll Clerk	74.00
Michelle Schumacher, Stenographer	62.00
Roxie Dietrich, Stenographer	62.00
JoDee Fandrich, Stenographer	62.00
Mary Schmitz, Chief Committee Clerk	74.00
Carin Noriega, Appropriations Committee Clerk	76.00
Shad Stasney, Assistant Appropriations Committee Clerk	68.00
Dolores Boutilier, Committee Clerk	68.00
Shelly Brink, Committee Clerk	68.00
Jodi Friskop, Committee Clerk	68.00
Roberta Holle, Committee Clerk	68.00
Mary Marthaller, Committee Clerk	68.00
Audrey Myers, Committee Clerk	68.00
Nancy Pfenning, Committee Clerk	68.00
Colleen Popelka, Committee Clerk	68.00
Jeannette Shaw-Lynch, Committee Clerk	68.00
Rayne Thomas, Committee Clerk	68.00
Brenda Huff, Assistant Committee Clerk	65.00
Clayton Litchfield, Deputy Sergeant-at-Arms	62.00
Kevin Urness, Deputy Sergeant-at-Arms	62.00
Vernon Erickson, Assistant Sergeant-at-Arms	58.00
Wallace Becker, Assistant Sergeant-at-Arms	58.00
Chris Dahl, Assistant Sergeant-at-Arms	58.00
Diana Schlosser, Chief Page and Bill Book Clerk	65.00
Darren Huber, Desk Page	58.00
Nancy Ludwig, Journal Page	58.00
Linda Putz, Page and Bill Book Clerk	58.00
George Schempp, Page and Bill Book Clerk	58.00
James Sears, Page and Bill Book Clerk	58.00
Carol Smith, Page and Bill Book Clerk	58.00
Jeffrey Spitzer, Page and Bill Book Clerk	58.00
Renaë Doan, Page and Bill Book Clerk	58.00
Stephanie Fisher, Page and Bill Book Clerk	58.00
Brian Overton, Page and Bill Book Clerk	58.00
Clara Miller, Chief Telephone Attendant	62.00
Shirley Pasicznyk, Telephone Attendant	58.00
Bernice Asbridge, Telephone Attendant	58.00
Phyllis Rogstad, Telephone Attendant	58.00
Ruby Stadick, Telephone Attendant	58.00
Beth Bakke, Telephone Page	58.00
Mary Defender-Wilson, Information Desk Attendant	58.00
Selma Carlson, Bill Room Clerk	58.00
Patricia Hoffner, Bill Room Clerk	58.00
Delano Huston, Bill Room Clerk	58.00
Ledores Robey, Bill Room Clerk	58.00
Nettie Monroe, Journal Room Clerk	58.00
Walter Schramm, Parking Lot Attendant	58.00
Lucas Giesinger, Janitor (partial pay only)	54.00
Ronald Glaser, Janitor (partial pay only)	33.00
Keith Harrison, Janitor (partial pay only)	33.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-second Legislative Assembly is entitled to an additional one dollar per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least forty-five days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed five dollars per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

Filed January 30, 1991

## CHAPTER 776

### HOUSE CONCURRENT RESOLUTION NO. 3026 (Kretschmar)

#### **REAPPORTIONMENT PLAN STUDY**

A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan or plans.

WHEREAS, the Legislative Assembly has the primary responsibility for reapportioning the state into legislative districts; and

WHEREAS, the demographic data necessary to complete the reapportionment task must be based on the 1990 federal decennial census; and

WHEREAS, the results of the 1990 federal decennial census will not be available to the Legislative Assembly in sufficient time to permit the Legislative Assembly to consider a legislative reapportionment plan during the regular session of the Fifty-second Legislative Assembly;

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

That the Legislative Council study legislative reapportionment and develop a legislative reapportionment plan or plans for use in the 1992 primary; and

BE IT FURTHER RESOLVED, that the Legislative Council be encouraged to use the following criteria to develop a plan or plans:

1. Legislative districts and subdistricts must be compact and of contiguous territory except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;
2. Legislative districts may have a population variance from the largest to the smallest in population not to exceed nine percent of the population of the ideal district except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;
3. No legislative district may cross the Missouri River;
4. Senators elected in 1990 may finish their terms except that in those districts where over 20 percent of the qualified electors were not eligible to vote in that district in 1990, senators must stand for reelection in 1992; and

BE IT FURTHER RESOLVED, that the plan or plans developed by the Legislative Council contain options for the creation of house subdistricts in any senate district that exceeds three thousand square miles; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation necessary to implement the recommendations, to a reconvened or special session of the Fifty-second Legislative Assembly.

Filed April 12, 1991

**CHAPTER 777**

HOUSE CONCURRENT RESOLUTION NO. 3027  
(Representatives Ring, DeMers, Oban)  
(Senators Evanson, Heinrich, Mushik)

**LANDFILL GROUND POLLUTION STUDY**

A concurrent resolution directing the Legislative Council to study the current conditions and the feasibility of reducing ground pollution in North Dakota's landfills.

WHEREAS, North Dakota's population is expected to increase in future years, so waste refuse will increase in future years; and

WHEREAS, effective disposal of refuse in landfills is an integral factor that could decrease landfill refuse in future years; and

WHEREAS, it is in the best interest of all North Dakotans to have accurate data and information about the condition of and possible reduction of North Dakota landfills for prevention of water and land pollution; and

WHEREAS, it is in the best interest of all North Dakotans to be encouraged to precycle, recycle, and use biodegradable products to avoid disposal of harmful toxic wastes in our landfills; and

WHEREAS, by establishing a need to increase recycling, North Dakota could pursue economic possibilities developed directly from recycling efforts in our state or combined efforts from surrounding states and Canada; and

WHEREAS, North Dakota is proud to be one of the most pollution-free states in the United States of America and should take a preventative stance to maintain and preserve this status for future generations;

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 ramifications of reducing the ground pollution of North Dakota landfills, with an emphasis on encouraging recycling efforts to preserve and protect our land and water; and

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

Filed March 27, 1991

## CHAPTER 778

HOUSE CONCURRENT RESOLUTION NO. 3028  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Nelson)

### **VETERANS' BENEFIT EXTENSION URGED**

A concurrent resolution urging Congress to extend veterans' benefits to National Guard and other reserve component personnel who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm.

WHEREAS, the President of the United States, with the consent of the Congress, has engaged armed forces of the United States in Operation Desert Storm to liberate Kuwait and counter the threat of invasion to Saudi Arabia by Iraq; and

WHEREAS, units and personnel of the North Dakota National Guard along with other reserve component units and personnel have been ordered to active duty for an indefinite period for Operation Desert Shield and Operation Desert Storm; and

WHEREAS, additional National Guard and other reserve component units and personnel may be ordered to active duty for Operation Desert Storm; and

WHEREAS, National Guard and other reserve component personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm will be separated from families for an indefinite period, will incur business losses, will be absent from college study for one or more semesters, will suffer other personal hardships, and will be "in harm's way"; and

WHEREAS, all National Guard and other reserve component personnel should be commended for their voluntary membership in the armed forces of the United States; and

WHEREAS, this nation must properly and fairly assist all military personnel who have been ordered to active duty for Operation Desert Shield and Operation Desert Storm to return to civilian life when they are released from active duty; and

WHEREAS, many members of the National Guard and other reserve components may not be considered "veterans" upon their release from active duty for Operation Desert Shield and Operation Desert Storm and may be denied veterans' benefits because of discriminatory and outdated federal laws; and

WHEREAS, all members of the National Guard and other reserve components who have been ordered to active federal duty for Operation Desert Shield and Operation Desert Storm should be considered "veterans" for all veterans' benefit purposes; and

WHEREAS, the Legislative Assembly fully supports all military personnel serving in the Persian Gulf area;

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

That the Fifty-second Legislative Assembly urges Congress to amend all appropriate federal laws to extend veterans' benefits to all members of the National Guard and other reserve components who are ordered to active federal duty for Operation Desert Shield and Operation Desert Storm; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Defense, the chairmen of the Senate and House Armed Services Committees, and each member of the North Dakota Congressional Delegation.

Filed February 4, 1991

## CHAPTER 779

HOUSE CONCURRENT RESOLUTION NO. 3029  
(Representatives Flaagan, R. Anderson, Nichols)  
(Senators Vosper, Langley, Wogsland)

### SOUND ENERGY POLICY URGED

A concurrent resolution urging the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products.

WHEREAS, oil embargoes instituted by the Organization of Petroleum Exporting Countries cartel during the mid 1970s held the entire industrialized world hostage to outrageous and predatory oil pricing; and

WHEREAS, the recent invasion of Kuwait by Iraq has resulted in the disruption of world oil supplies, and the political instability of the Middle East has caused extreme volatility in world oil markets; and

WHEREAS, the Food, Agriculture, Conservation, and Trade Act of 1990 falls far short of providing cost of production to the nation's agricultural producers; and

WHEREAS, the market price for most major farm commodities is substantially below the cost of producing those commodities;

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

That the Fifty-second Legislative Assembly urges the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges that the President request and that the Congress of the United States appropriate funds within the budgets of the Department of Defense and the Department of Agriculture to establish this sound and comprehensive energy program; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Energy, the Secretary of Defense, the Secretary of Agriculture, the Speaker and the majority and minority leaders of the United States House of Representatives, the President and the majority and minority leaders of the United States Senate, and each member of the North Dakota Congressional Delegation.

Filed April 1, 1991

## CHAPTER 780

HOUSE CONCURRENT RESOLUTION NO. 3030  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Nelson)

### **GLOBAL WARMING STUDY BY CONGRESS URGED**

A concurrent resolution urging the United States Congress to support research to determine whether there is scientific basis for the global warming theory prior to adoption of proposals or policies intended to reduce emissions of carbon dioxide from the use of coal, oil, and natural gas.

WHEREAS, carbon dioxide is a naturally occurring gas in the earth's atmosphere vital to plant growth and is a byproduct of burning coal, oil, and natural gas which, in the United States, accounts for less than 10 percent of the world's total man-made greenhouse gases; and

WHEREAS, carbon or related energy taxes and limits on carbon dioxide emissions are being proposed in Congress and by the international community as a method of controlling carbon dioxide emissions; and

WHEREAS, no clear consensus among the world's scientific community exists on whether the earth's climate is warming as a result of carbon dioxide emissions from the use of coal, oil, and natural gas, and existing technology has proven incapable of accurately predicting future climate change; and

WHEREAS, carbon or related energy taxes or limits on carbon dioxide emissions would adversely impact the ability of North Dakota's energy resources to compete in the energy marketplace, preventing development of our state's abundant lignite, oil, and natural gas reserves; and

WHEREAS, carbon or related energy taxes or limits on carbon dioxide emissions would adversely impact the jobs, business volume, and tax revenue generated by our state's energy industry and result in higher per capita taxes on energy consumers in this region due to lignite's low Btu content; and

WHEREAS, carbon or related energy taxes or limits on carbon dioxide emissions would result in serious adverse economic consequences for this region and the nation by severely restricting economic growth and development and by raising costs for nearly all types of productive activity, particularly energy and agriculture;

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

That the Fifty-second Legislative Assembly of North Dakota urges the Congress of the United States to provide funds and facilities for research to determine if there is sound scientific basis to support the theory that the

earth's climate is warming as a result of carbon dioxide emissions from the worldwide use of coal, oil, and natural gas; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly of North Dakota urges the United States Congress to include in its studies of global warming a complete scientific analysis of potential impacts resulting from increased carbon dioxide in the atmosphere; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly of North Dakota urges the United States Congress to encourage the United States State Department or other departments, agencies, or representatives of the United States government to refrain from entering into international agreements or taking official action committing the United States to restricted use of coal, oil, and natural gas or imposing energy taxes on such use as a means of limiting carbon dioxide emissions; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly of North Dakota is opposed to efforts by the United States Congress to impose additional energy taxes or limits on carbon dioxide emissions from the nation's use of coal, oil, and natural gas; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the United States President; the United States Secretaries of State, Energy, Commerce, Agriculture, Transportation, Treasury, and Interior; the administrator of the Environmental Protection Agency; the chairmen and members of the Senate Energy and Natural Resources Committee, the Senate Environment and Public Works Committee, and the House Energy and Commerce Committee; and to each member of the North Dakota Congressional Delegation.

Filed February 13, 1991

## CHAPTER 781

HOUSE CONCURRENT RESOLUTION NO. 3031  
(Representatives Scherber, Myrdal)  
(Senators Thane, O'Connell)

### GOVERNMENT COMMUNICATIONS STUDY

A concurrent resolution directing the Legislative Council to study the impact and potential benefits to be derived from the use of electronic communications in government services.

WHEREAS, it is the responsibility of the Legislative Assembly to ensure the wisest and most efficient use of the state's resources; and

WHEREAS, there is a need to reduce the cost of sharing data collected by the state and local government; and

WHEREAS, electronic mail and messaging is becoming the preferred method of communicating; and

WHEREAS, significant savings for voice communications can be achieved through volume contracts; and

WHEREAS, the increasing capabilities made available through the use of electronic communications should be utilized by the state to improve the efficiency of state and local government and to more beneficially use limited state and local resources; and

WHEREAS, for example, the use of electronic communications to transfer documents via computer technology or through the use of facsimile technology may more efficiently and effectively utilize state and local resources;

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

That the Legislative Council study the impact and potential benefits to be derived from the use of electronic communications in government services; and

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

Filed March 27, 1991

## CHAPTER 782

HOUSE CONCURRENT RESOLUTION NO. 3032  
(Bateman, Brown, Schmidt, R. Berg)

### SEVERED MINERAL INTERESTS STUDY

A concurrent resolution directing the Legislative Council to study the problems caused by and associated with severed mineral interests.

WHEREAS, large areas of North Dakota are or may be subject to oil and gas exploration and development; and

WHEREAS, the continued development of oil and gas resources in this state is very important to the economic well-being of the state and its people; and

WHEREAS, landowners must absorb the increased cost of updating abstracts if the mineral estate underlying their surface estate has been severed from that surface estate; and

WHEREAS, the surface owner must bear the entire burden of property taxes when the mineral estate has been severed from the surface estate; and

WHEREAS, the title to abandoned severed mineral interests should revert to the owner of the surface estate overlying the abandoned severed mineral interests who may return the severed mineral interests to valuable use; and

WHEREAS, a thorough study should be undertaken by the Legislative Council of feasible methods to discover and categorize the severed mineral interests in this state before any action concerning this issue is undertaken by the Legislative Assembly; and

WHEREAS, oil and gas exploration and development companies incur increased expenses in procuring drilling title opinions and division order opinions; and

WHEREAS, delays in royalty payments caused by division order problems adversely affect the state's royalty owners;

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

That the Legislative Council study the problems caused by and associated with severed mineral interests; and

BE IT FURTHER RESOLVED, that the study include a review of relevant court decisions and the statutes of other oil and gas producing states; and

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

Filed April 4, 1991

## CHAPTER 783

HOUSE CONCURRENT RESOLUTION NO. 3033  
(Gorder, Skjerven)

### **HANDICAPPED CHILD EDUCATION ASSISTANCE URGED**

A concurrent resolution urging Congress to provide assistance for the education of all handicapped children, as provided for in Public Law 94-142.

WHEREAS, in 1975, Congress passed Public Law 94-142, the "Education of the Handicapped Act"; and

WHEREAS, in Public Law 94-142, Congress recognized that the special education needs of handicapped children were not being fully met; and

WHEREAS, in Public Law 94-142, Congress stated that developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that given appropriate funding, state and local educational agencies could and would provide effective special education and related services to meet the needs of handicapped children; and

WHEREAS, in Public Law 94-142, Congress noted that the financial resources given to state and local educational agencies are inadequate to meet the special educational needs of handicapped children; and

WHEREAS, in Public Law 94-142, Congress authorized maximum state entitlements of 40 percent of the average per-pupil expenditure for special education pupils; and

WHEREAS, Congress supports special education in the amount of approximately eight percent of the average per-pupil expenditure for special education pupils;

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

That the Fifty-second Legislative Assembly urges Congress to provide funding for special education pursuant to the provisions of Public Law 94-142; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Education, the chairman of the Senate Labor and Human Services Committee, the chairman of the House Education and Labor Committee, and each member of the North Dakota Congressional Delegation.

Filed April 1, 1991

## CHAPTER 784

HOUSE CONCURRENT RESOLUTION NO. 3034  
(Representatives Oban, Rydell, Gilmore)  
(Senators Lindgren, Mathern, Mushik)

### **LIBRARY FOR BLIND AND DISABLED URGED**

A concurrent resolution urging continued funding for library resources and services dedicated to the needs of blind and physically handicapped persons.

WHEREAS, the Library of Congress, through the National Library Service for the Blind and Physically Handicapped, administers a free national library program for visually and physically handicapped persons who cannot use standard print materials; and

WHEREAS, the North Dakota State Library contracts with the South Dakota Library for the Blind and Physically Handicapped, using federal funds provided by the United States Department of Education, pursuant to the Library Services and Construction Act; and

WHEREAS, the services rendered by the Library for the Blind and Physically Handicapped, particularly books on recorded discs, on cassettes, and in braille, are both important and essential to persons who cannot use standard print material; and

WHEREAS, most counties in North Dakota have residents in need of such materials; and

WHEREAS, the population of North Dakota is an aging one, all counties in North Dakota can expect to have residents who, because of failing eyesight or other physical impairments, will require these special services;

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

That if Congress reduces or limits funding for the Library Services and Construction Act, and if as a result, funding for recorded and brailled material is reduced, the state of North Dakota should take whatever measures possible to ensure a continuation of these special programs.

Filed April 1, 1991

## CHAPTER 785

HOUSE CONCURRENT RESOLUTION NO. 3037  
(Representatives Freier, Meyer, Kerzman)  
(Senators Naaden, Krauter)

### MISSOURI RIVER BRIDGE URGED

A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.

WHEREAS, the Legislative Assembly in 1929 appropriated \$130,000 for a study regarding construction of a bridge in the Fort Yates area; and

WHEREAS, the Fortieth Legislative Assembly in 1967 adopted Senate Concurrent Resolution Z urging Congress to give favorable consideration to the construction of such a bridge; and

WHEREAS, the Forty-first Legislative Assembly in 1969 adopted House Concurrent Resolution No. 45 urging Congress to give favorable consideration to United States Senate Bill 229, which would authorize the construction of the bridge; and

WHEREAS, Congress adopted Senate Bill 229, which authorized construction of the bridge as part of the 1970 Flood Control Act; and

WHEREAS, \$470,000 has been expended on site studies, bridge design, and other preparatory work as of June 1972; and

WHEREAS, Congress, in 1990, authorized an additional expenditure of \$250,000 to be used for study and design purposes; and

WHEREAS, no funds have been appropriated for construction of the bridge, and the bridge project is in danger of being deauthorized by law if further funds are not expended on the project; and

WHEREAS, the vast area of North Dakota and South Dakota lying between the Missouri River crossings at Bismarck, North Dakota, and Mobridge, South Dakota, a distance of over 100 miles, has been bisected by the Missouri River and Lake Oahe, requiring residents of, and travelers through, the area to travel great distances to establish river crossings; and

WHEREAS, a modern bridge crossing over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota, would be of great benefit to those engaged in agricultural activities in the area and would provide increased potential for industrial development, tourism, and recreational use of areas endowed with great natural beauty which will otherwise lie dormant; and

WHEREAS, the construction of a bridge over the Missouri River midway between Bismarck, North Dakota, and Mobridge, South Dakota, would further provide social, medical, and academic opportunities for the residents of south central North Dakota and north central South Dakota; and

WHEREAS, the state of North Dakota is prepared to put forth full effort into assisting with the construction of a bridge over the Missouri River midway between Bismarck, North Dakota, and Mobridge, South Dakota; and

WHEREAS, there are engineers, contractors, suppliers, and administrators native to and located within this state who should receive priority consideration in the planning and construction of the new bridge over the Missouri River midway between Bismarck, North Dakota, and Mobridge, South Dakota;

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

That the Fifty-second Legislative Assembly urges Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges the director of the State Department of Transportation to take whatever action is necessary to expedite the process leading ultimately to a new bridge over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota; and

BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers is urged to specify the use of North Dakota engineers, contractors, suppliers, and administrators for the planning and construction of the bridge over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Interior, the United States Army Corps of Engineers, the majority leaders in the United States Senate and House of Representatives, each member of the North Dakota Congressional Delegation, and the director of the State Department of Transportation.

Filed March 26, 1991

## CHAPTER 786

HOUSE CONCURRENT RESOLUTION NO. 3038  
(Representatives Martin, Urlacher, Wald)  
(Senators David, Krauter)

### COAL MINING EXEMPTION URGED

A concurrent resolution urging the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior and the North Dakota Public Service Commission to exempt surface coal mining permits of five acres or less in size from the requirements of the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface mining and reclamation operations laws.

WHEREAS, North Dakota has plentiful supplies of coal that should be utilized to the greatest extent possible in order to protect the United States from overdependence on foreign sources of energy such as imported oil; and

WHEREAS, the Surface Mining Control and Reclamation Act of 1977 [Pub. L. 95-87] and its state counterpart, North Dakota Century Code Chapter 38-14.1, have acted to drive small mine operators out of business because of the exorbitant cost of complying with the environmental, legal, and financial requirements of these laws; and

WHEREAS, several small surface mine operators in North Dakota have had a long history of responsible operation and are unnecessarily and unreasonably constrained from exercising their knowledge and ability to safely and economically mine coal by the Surface Mining Control and Reclamation Act of 1977 and North Dakota Century Code Chapter 38-14.1; and

WHEREAS, these small operators supply the domestic coal needs for many middle and low income families near their mines;

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

That the Fifty-second Legislative Assembly urges the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, and the North Dakota Public Service Commission to exempt surface coal mining permits of five acres or less in size from the requirements of the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface mining and reclamation operations laws; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the director of the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior, each member of the North Dakota Public Service Commission, and each member of the North Dakota Congressional Delegation.

Filed April 9, 1991

## CHAPTER 787

HOUSE CONCURRENT RESOLUTION NO. 3039  
(Skjerven, Meyer, Gorder)

### SPECIAL EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study all aspects of special education.

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

WHEREAS, a student with disabilities is often best served by being provided with an appropriate education in the least restrictive environment possible; and

WHEREAS, educating a student with disabilities in the least restrictive environment possible often presents special challenges such as providing for the student's medical needs during the school day; and

WHEREAS, educating a student with disabilities in the least restrictive environment possible and meeting all of the special challenges, while ensuring that the student receives the maximum benefits from an educational experience, requires the coordination of efforts by governmental and private entities; and

WHEREAS, the cost of special education has risen dramatically in recent years; and

WHEREAS, although mandated by federal law, the financial burden of providing special education services falls primarily on the state and local school districts; and

WHEREAS, it is a legislative responsibility to review existing laws to ensure that they adequately address the purposes for which they were intended; and

WHEREAS, the area of special education has not been studied in depth by a legislative committee for a number of years;

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

That the Legislative Council study the entire area of special education, including current legal requirements for the provision of special education services, the delivery of medical services to students with disabilities in a school environment, alternatives for the provision of various services, cost factors, and directions for the future, and review the scope and content of existing interagency cooperative agreements for individuals with disabilities to determine whether there is a need to expand participation in the agreements; and

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

Filed April 4, 1991

## CHAPTER 788

HOUSE CONCURRENT RESOLUTION NO. 3040  
(Representatives Wilkie, Kaldor, Boucher)  
(Senators Satrom, Krebsbach, Jerome)

### TELECOMMUNICATIONS MEETING STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of having governmental entities conduct meetings through the use of telecommunications systems.

WHEREAS, it is a legislative responsibility to ensure the best possible use of the state's financial resources; and

WHEREAS, telecommunications equipment, including interactive video equipment, is available at all of the state's institutions of higher education; and

WHEREAS, given the considerations of time and costs in a state as vast as North Dakota, it would be more efficient to have governmental entities conduct meetings using available telecommunications systems; and

WHEREAS, an informed electorate is essential for responsible government; and

WHEREAS, properly structured telecommunications usage could bring state government closer to the citizens 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 the feasibility of having governmental entities conduct meetings through the use of available telecommunications systems and that the Legislative Council experiment with the use of such systems during the 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 Fifty-third Legislative Assembly.

Filed April 1, 1991

## CHAPTER 789

HOUSE CONCURRENT RESOLUTION NO. 3041  
(Representatives Clayburgh, Kelsch, St. Aubyn)  
(Senators Stenehjem, Marks, Robinson)

### STATE AGENCY RECYCLING STUDY

A concurrent resolution directing the Legislative Council to study recycling and the use of recycled materials by state agencies and institutions.

WHEREAS, state agencies and institutions should be leaders by setting proper examples in preservation of energy and raw materials by avoiding waste; and

WHEREAS, although use of recycled materials by state agencies and institutions should be a priority concern, not all uses of state agencies and institutions are compatible with the use of recycled materials; and

WHEREAS, detailed study is necessary to determine which state agency and institution usages should be required to involve use of recycled materials and which usages might be best exempted from those requirements;

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

That the Legislative Council study use of recycled materials by state agencies and institutions, with emphasis on determining areas in which use of recycled materials could be required by law; and

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

Filed April 1, 1991

## CHAPTER 790

HOUSE CONCURRENT RESOLUTION NO. 3042  
(A. Olson, Oban, Tollefson, Urlacher)

### SOLID WASTE MANAGEMENT STUDY

A concurrent resolution directing the Legislative Council to study the problems associated with waste management, including the operation and effect of legislation relating to waste management, whether the Department of Health and Consolidated Laboratories is the appropriate state agency for waste management responsibilities, and the effect of establishing district and state waste management plans, and to request, accept, and expend funds to conduct the study.

WHEREAS, the problems associated with waste management are imposing substantial burdens on the state and local governments and are of great concern to residents of this state; and

WHEREAS, during the 1989-90 interim the Legislative Council's Political Subdivisions Committee was directed to study the problems associated with solid waste management; and

WHEREAS, the committee worked closely with representatives of the Department of Health and Consolidated Laboratories and recommended to the Legislative Council six bills relating to solid waste management which were introduced in the Fifty-second Legislative Assembly; and

WHEREAS, the Legislative Assembly and the Department of Health and Consolidated Laboratories are interested in monitoring the problems associated with waste management and the progress in addressing those problems; and

WHEREAS, because district management of waste is a new concept and because of the burdens imposed on local governments, the Legislative Assembly is further interested in monitoring the concerns of local governments with respect to waste management; and

WHEREAS, because of the complexity of the issue and because the United States Environmental Protection Agency has not finalized its proposed landfill regulations, the issue should be studied further; and

WHEREAS, federal and other funds may be available to assist states in conducting studies of this kind and to assess and designate appropriate agencies to site and regulate waste management;

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

That the Legislative Council study the problems and benefits associated with waste management, including the operation and effect of legislation relating to waste management, whether the Department of Health and

Consolidated Laboratories is the appropriate state agency for waste management, and the effect of establishing district and state waste management plans; and

BE IT FURTHER RESOLVED, that the Legislative Council may request and accept federal and other funds and may expend those funds as provided in North Dakota Century Code Section 54-35-06 in carrying out its responsibilities under this resolution; and

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

Filed April 4, 1991

## CHAPTER 791

HOUSE CONCURRENT RESOLUTION NO. 3043  
(Miller, Laughlin)

### **TAX-EXEMPT ENTITY PROPERTY ACQUISITION STUDY**

A concurrent resolution directing the Legislative Council to study the methods and manner in which tax-exempt entities acquire and hold real property, the effect of such acquisition and ownership on local tax bases, and the feasibility and desirability of limiting such acquisition, eliminating or limiting such tax exemptions, or requiring divestiture of such property and to study funding sources for the wetland tax exemption program.

WHEREAS, tax-exempt entities acquire substantial acreage of property in North Dakota each year and hold substantial acreage in the state on a tax-exempt basis; and

WHEREAS, removal of property from property tax rolls is a cause of growing concern to officials of political subdivisions, whose tax bases are substantially eroded by acquisition of property by tax-exempt entities, which shifts a larger tax burden to nonexempt taxpayers; and

WHEREAS, thorough review of property tax exemptions under existing law should be conducted to determine whether the purpose for the exemptions as created still exists and whether it is feasible and desirable to limit acquisition of property by tax-exempt organizations, eliminate or limit tax-exempt status of certain entities, or require divestiture of property by tax-exempt entities; and

WHEREAS, wetlands are a valuable natural resource with value for flood control, ground water recharge, water purification, and wildlife; and

WHEREAS, the protection, development, and management of North Dakota's water resources is essential for the long-term health, safety, general welfare, and economic security of North Dakota and its citizens; and

WHEREAS, the Legislative Assembly has passed a wetland tax exemption program that has not been effective because funding has not been made available;

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

That the Legislative Council study the ownership and acquisition of property by tax-exempt entities and the feasibility and desirability of limiting acquisition and holding of property by tax-exempt entities, eliminating or limiting certain property tax exemptions, or requiring divestiture of property by tax-exempt entities; and

BE IT FURTHER RESOLVED, that the Legislative Council study fair and equitable funding sources for the wetland tax exemption program and seek the advice of the Governor, State Game and Fish Commissioner, Commissioner of Agriculture, State Engineer, and public and private groups in conducting this portion of the 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 Fifty-third Legislative Assembly.

Filed April 4, 1991

## CHAPTER 792

HOUSE CONCURRENT RESOLUTION NO. 3045  
(D. Olsen, A. Olson)

### WATER QUALITY STUDY

A concurrent resolution directing the Legislative Council to study water quality, with emphasis on the testing for nitrates in ground water.

WHEREAS, a safe and adequate supply of water is essential to maintain the quality of life upon which we all depend; and

WHEREAS, many areas within this state do not have adequate supplies of quality water for multipurpose uses; and

WHEREAS, the drought of recent years and the increased use of irrigation have placed in jeopardy the limited aquifers that the people of this state depend on for their water supply; and

WHEREAS, there is concern that current agricultural practices of using chemical fertilizers and pesticides endangers the water supply in many areas of this state; and

WHEREAS, nitrates are one of the most widely used chemicals in agriculture and therefore pose a potential for contamination of ground water if not used properly; and

WHEREAS, coordination is needed concerning the testing and sharing of information on the tests for nitrates conducted by the State Water Commission and the State Department of Health and Consolidated Laboratories;

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

That the Legislative Council, with the assistance of the State Water Commission and State Department of Health and Consolidated Laboratories, study water quality in this state and determine the best methods of preserving and improving on the quality of water supplies; and

BE IT FURTHER RESOLVED, that the Legislative Council study the best method of nitrate testing to safeguard underground aquifers and methods to coordinate testing for nitrates by the State Water Commission and the State Department of Health and Consolidated Laboratories; and

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

Filed March 19, 1991

## CHAPTER 793

### HOUSE CONCURRENT RESOLUTION NO. 3046 (Kretschmar)

## JUDICIAL SYSTEM UNIFICATION STUDY

A concurrent resolution directing the Legislative Council to study the problems associated with unification of the state's judicial system into a one-level trial system.

WHEREAS, several bills have been introduced in the Fifty-second Legislative Assembly to provide for a one-level trial court within the state's judicial system; and

WHEREAS, some of the bills provide for a delayed time of taking effect, which would allow opportunity for a study of the potential effects of changes; and

WHEREAS, it is incumbent upon the Legislative Assembly and those involved with administration of the judicial system to assure that adequate study and planning is completed before structural changes become effective to assure that any changes made will benefit the citizens of the state and the interests of justice;

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

That the Legislative Council study the problems associated with unification of the state's judicial system into a one-level trial system; and

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

Filed March 20, 1991

## CHAPTER 794

HOUSE CONCURRENT RESOLUTION NO. 3047  
(Wardner, Martin)

### **POLITICAL SUBDIVISION LEVY STUDY**

A concurrent resolution directing the Legislative Council to study levy limitations for political subdivisions.

WHEREAS, political subdivisions are primarily dependent on real property taxes to support local governmental services; and

WHEREAS, the Legislative Assembly has restricted taxing powers and revenue-raising authority of political subdivisions through alternatives of mill levy limitations or limitations on dollar increases in levies; and

WHEREAS, the alternative that allows political subdivisions to raise revenue through dollar increases was intended to be a temporary provision but has been enacted by each legislative assembly since 1981; and

WHEREAS, detailed study of property taxation and political subdivision levy limitations is required as a basis for the Legislative Assembly to properly determine equitable revenue needs of political subdivisions and taxpayer protection needed in the form of levy limitations;

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

That the Legislative Council study levy limitations imposed upon political subdivisions, with emphasis on determining whether permanent provisions can be enacted to provide proper levels of levy and budget limitations for political subdivisions; and

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

Filed April 1, 1991

## CHAPTER 795

HOUSE CONCURRENT RESOLUTION NO. 3049  
(Henegar, Martin)

### **CAPTIVE AND EXOTIC WILDLIFE STUDY**

A concurrent resolution directing the Legislative Council to study the statutes and rules concerning the propagation of captive wildlife and exotic wildlife in North Dakota and the authority of the Game and Fish Commissioner and the Board of Animal Health to regulate this industry.

WHEREAS, a healthy and robust domestic livestock industry is essential to the economic well-being of North Dakota; and

WHEREAS, the propagation of captive wildlife and exotic wildlife is becoming an important industry in this state; and

WHEREAS, fish and wildlife related recreation is a \$1.2 billion industry in North Dakota; and

WHEREAS, the Board of Animal Health has responsibility for protecting the state's domestic livestock industry; and

WHEREAS, the Game and Fish Commissioner has responsibility for protecting the state's wildlife resources; and

WHEREAS, captive wildlife, as well as native wildlife and domestic livestock, are subject to carrying the same diseases, and whether in confinement or roaming free, can pass disease on to other livestock, wildlife, and in some instances, such as tuberculosis and brucellosis, to humans;

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

That the Legislative Council study the laws and rules concerning the propagation of captive wildlife and exotic wildlife in North Dakota and the authority of the Game and Fish Commissioner and the Board of Animal Health to regulate this industry; and

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

Filed April 1, 1991

## CHAPTER 796

HOUSE CONCURRENT RESOLUTION NO. 3050  
(Representatives Delzer, Gilmore, St. Aubyn)  
(Senators Freborg, Mathern, Wogsland)

### **OCCUPATIONAL LICENSING STUDY**

A concurrent resolution directing the Legislative Council to study laws governing licensing and regulation of various occupations and professions.

WHEREAS, licensing and regulation of many occupations and professions is governed by various boards or similar bodies established by law and these governing boards have been granted broad authority to regulate the respective occupations or professions; and

WHEREAS, because occupational and professional governing boards operate under statutes established by the Legislative Assembly, it is incumbent upon the Legislative Assembly to assure that proper levels of authority have been delegated to such governing boards and retained by the state; and

WHEREAS, questions exist regarding proper levels of delegation and charges and fees imposed by occupational and professional governing boards and whether such charges and fees should be required to be approved by the Legislative Assembly;

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

That the Legislative Council study the authority and practices of occupational and professional boards established by or pursuant to state law with emphasis on the proper level of legislative or other state supervision and delegation of authority to these boards and the charges and fees assessed by these boards; and

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

Filed April 1, 1991

## CHAPTER 797

### HOUSE CONCURRENT RESOLUTION NO. 3052 (Clayburgh)

## EXCAVATION NOTICE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a one-call excavation notice system.

WHEREAS, the establishment of a one-call excavation notice system would make it possible for persons who are going to excavate to locate all underground facilities by making a single phone call; and

WHEREAS, implementation of a one-call excavation notice system may result in less damage to underground facilities caused by excavations or construction activities; and

WHEREAS, a study of the feasibility and desirability of establishing a one-call excavation notice system should be undertaken by the Legislative Council because of the length of time that is needed to determine whether a one-call excavation notice system should be implemented in North Dakota;

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 implementing a one-call excavation notice system; and

BE IT FURTHER RESOLVED, that the Legislative Council seek the assistance and cooperation of the Public Service Commission, the North Dakota League of Cities, the North Dakota Association of Counties, and the North Dakota Township Officers Association in conducting the study of whether a one-call excavation notice system should be implemented; and

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

Filed April 1, 1991

## CHAPTER 798

HOUSE CONCURRENT RESOLUTION NO. 3054  
(Representatives Oban, Kelsch, Gilmore)  
(Senators Heinrich, Holmberg)

### EARLY CHILDHOOD TRACKING SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the current and future role of the North Dakota early childhood tracking system.

WHEREAS, the North Dakota early childhood tracking system is a joint effort of the Department of Health and Consolidated Laboratories, Department of Human Services, and the Department of Public Instruction; and

WHEREAS, the North Dakota early childhood tracking system is a comprehensive early intervention program designed to monitor children up to age 5 who may be at risk for developmental delays; and

WHEREAS, by monitoring a young child's development, potential developmental delays can be detected and appropriate services can be offered at such times and in such ways that future difficulties for a child can be minimized or prevented; and

WHEREAS, the North Dakota early childhood tracking system began as a pilot project in Grand Forks in 1987, and as a result of its initial success, has expanded throughout the state;

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

That the Legislative Council study the North Dakota early childhood tracking system's current and future roles, not only in tracking children at risk for developmental delays and providing essential assistance to such children and their families, but also in helping the state minimize long-term education and care costs for certain children through tracking and early intervention efforts; and

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

Filed April 1, 1991

**CHAPTER 799****HOUSE CONCURRENT RESOLUTION NO. 3055  
(Skjerven)****STUDENTS IN BORDERING STATES STUDY**

A concurrent resolution directing the Legislative Council to study the enrollment of North Dakota students in public schools or institutions of bordering states.

WHEREAS, certain North Dakota students attend public schools or institutions in bordering states for reasons of proximity or otherwise; and

WHEREAS, various interstate agreements have been entered into for the education of students in public schools or institutions of bordering states; and

WHEREAS, uncertainties often exist regarding issues such as transportation responsibilities for students who attend public schools or institutions in bordering states;

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

That the Legislative Council study the extent of and need for interstate education of public school students as it pertains to North Dakota and agreements entered into by North Dakota school districts bordering other states for the interstate education of public school students; and

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

Filed April 1, 1991

## CHAPTER 800

HOUSE CONCURRENT RESOLUTION NO. 3056  
(Tollefson, Hanson)

### **GRATIS HUNTING PERMIT STUDY**

A concurrent resolution directing the Legislative Council to study the equity and advisability of the present method of issuance of gratis hunting permits.

WHEREAS, state law provides for issuance of hunting permits on a gratis basis in certain instances; and

WHEREAS, in some areas of the state, the number of gratis hunting permits may equal or exceed the number of permits for which fees have been paid; and

WHEREAS, thorough study should be conducted to determine the equity and advisability of providing gratis hunting permits in terms of the effect on each species of game for which gratis permits are available, relative hunting opportunities of landowner and nonlandowner hunters, and the equity of the manner in which numbers of permits and granting of permits is determined;

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

That the Legislative Council study the advisability and equity of distribution of gratis hunting permits; and

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

Filed March 27, 1991

## CHAPTER 801

### HOUSE CONCURRENT RESOLUTION NO. 3057 (Kretschmar)

#### UNIFIED BUDGET STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring a unified budget.

WHEREAS, Article X, Section 12, of the Constitution of North Dakota provides that all public moneys may be expended only pursuant to appropriation by the Legislative Assembly; and

WHEREAS, in present practice the Legislative Assembly makes appropriations from the state general fund, from special funds, and by standing and continuing appropriations; and

WHEREAS, a substantial amount of revenue expended by the state does not appear as part of the state general fund budget because of appropriation from special funds or by continuing appropriation; and

WHEREAS, investigation should be made of the feasibility and desirability of providing a unified budget under which all appropriated amounts would appear; and

WHEREAS, the feasibility and desirability of continuing to use special funds for limited purposes, moving expenditures "off budget" for various purposes, and use of other means of expenditure that do not appear as state general fund appropriations should be examined to determine whether these kinds of expenditures give a false impression of the actual level of expenditures by the state;

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

That the Legislative Council study the policy of appropriating funds from other than general fund sources and the feasibility and desirability of requiring a unified budget; and

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

Filed March 19, 1991

# CHAPTER 802

HOUSE CONCURRENT RESOLUTION NO. 3058  
(Representatives Oban, Myrdal, Gates)  
(Senators Freborg, Wogsland)

## FLEXIBLE CURRICULA STUDY

A concurrent resolution directing the Legislative Council to study the use of flexible curricula in North Dakota high schools and the team approach to course selections.

WHEREAS, each high school student has individual talents, goals, and aspirations that must be identified and nurtured in school as well as at home; and

WHEREAS, although high standards must be set for all high school students, the same standards are not appropriate for each student; and

WHEREAS, flexibility within the educational system enhances creativity and learning; and

WHEREAS, it is in the best interest of each high school student to have a flexible curriculum and flexibility in specific graduation requirements; and

WHEREAS, it is in the best interest of each high school student to have individualized curricula and instruction; and

WHEREAS, the talents, goals, aspirations, choice of colleges, and career choices of each high school student must be taken into account when high school courses are selected; and

WHEREAS, it is in the best interest of each high school student that the development of an education plan through the cooperative effort of the student, the student's parents, teachers and school administration be encouraged; and

WHEREAS, as more and more high schools are moving toward parent-teacher conferences, increased participation in the cooperative or team development of an education plan for each student must be encouraged; and

WHEREAS, taking into account talents, goals, and aspirations, each high school student must be provided with an appropriate education in order that that student can successfully live and work in the 21st Century;

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

That the Legislative Council study the use of flexible curricula in North Dakota high schools and the team approach to assisting a student make course selections appropriate to the student's talents and goals; and

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

Filed April 1, 1991

## CHAPTER 803

HOUSE CONCURRENT RESOLUTION NO. 3059  
(Representatives G. Berg, Nicholas, Stofferahn)  
(Senators Langley, Vosper, Wogsland)

### FISH INTRODUCTION AND TRANSFER STUDY

A concurrent resolution directing the Legislative Council to study the introduction of nonnative fish species into this state and the interbasin transfer of water, fish species, and aquatic plant species between or among drainage basins located in this state.

WHEREAS, the issue of the introduction of nonnative fish species into this state and the interbasin transfer of water, fish species, and aquatic plant species between or among drainage basins in this state has affected development and construction of the Garrison Diversion Unit Project; and

WHEREAS, a Legislative Council study of whether the Game and Fish Commissioner should be prohibited from introducing any nonnative fish species that may gain access to interstate or Canadian waters, unless each proposed introduction receives the prior approval of the states and the provinces of the Dominion of Canada may lay the groundwork for subsequent agreements among the states and Canadian provinces affected by the Garrison Diversion Unit Project; and

WHEREAS, a Legislative Council study of whether the state and its political subdivisions should be prohibited from transferring any water, fish species, or aquatic plant species between or among any drainage basins in this state without first obtaining the prior approval of certain state and federal officials may help to resolve regional differences concerning water development; and

WHEREAS, although the Garrison Diversion Reformulation Act of 1986 substantially revised the Garrison Diversion Unit Project, it retained the Lonetree Reservoir as an authorized feature of the project; and

WHEREAS, a dam and control gate on the Sheyenne River would provide much-needed water for municipalities located on the Sheyenne and Red rivers; flood control for the Baldhill Dam, Valley City, and Fargo, as well as other cities located on the Sheyenne and Red rivers; water for fish in Devils Lake, the Sheyenne River, and the Red River; and over one thousand miles of stable or flowing water in dry years for migratory waterfowl in the James, Sheyenne, and Red River basins; and

WHEREAS, any water development project in this state must ensure that the provisions of the Boundary Waters Treaty of 1909 are fully and completely complied with; and

WHEREAS, any water development project that would deliver water to Devils Lake must necessarily include an assessment of the riparian rights of landowners adjacent to Devils Lake;

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

That the Legislative Council study the introduction of nonnative fish species into this state and the interbasin transfer of water, fish species, and aquatic plant species between or among drainage basins located in this state; and

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

Filed April 1, 1991

## CHAPTER 804

HOUSE CONCURRENT RESOLUTION NO. 3060  
(Representatives Rennerfeldt, Byerly, B. Anderson)  
(Senators David, Graba)

### STATE ENERGY POLICY STUDY

A concurrent resolution directing the Legislative Council to study the need for a long-term energy policy for North Dakota.

WHEREAS, the extraction or use of energy resources of oil, gas, coal, and water located within North Dakota depletes or reduces the resource base available to future generations; and

WHEREAS, the extraction, production, consumption, and use of these resources is interdependent with the availability and uses of the same or similar resources in other states and foreign countries; and

WHEREAS, it may be beneficial to formulate and adopt a long-term energy policy with respect to energy resources of the state, similar to the Vision 2000 study that related primarily to nonextractive industries;

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

That the Legislative Council study the energy resources of North Dakota available for use or development, the taxes imposed on energy resources, and the policies now in place in our state or which should be considered as a part of an overall long-term energy policy for North Dakota. In conducting this study, the Legislative Council may obtain consulting services and obtain citizen committee findings and recommendations; and

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

Filed April 1, 1991

## CHAPTER 805

HOUSE CONCURRENT RESOLUTION NO. 3061  
(Representatives Oban, Rydell, Scherber)  
(Senators Heinrich, Thane, Stenehjem)

### STATE EMPLOYEES' COMPENSATION STUDY

A concurrent resolution directing a Legislative Council study of the entire range of issues arising from the current methods and philosophy governing state employees' compensation.

WHEREAS, the classification system operating under the jurisdiction of the Central Personnel Board has been continuously underfunded; and

WHEREAS, there is no comprehensive pay administration plan that addresses longevity, continuing education, meritorious service, or rational career advancement; and

WHEREAS, the lack of a comprehensive pay administration policy contributes substantially to employee turnover and low employee morale; and

WHEREAS, this lack of a comprehensive pay administration plan has gone on for many years and cannot be effectively addressed without clear legislative understanding of the issues;

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

That the Legislative Council study pay administration within the state classified service, specifically addressing the issues of recognition of meritorious service, recognition of short-term extraordinary effort, recognition of longevity, methodology of allowing career advancement within a particular profession or skill area, and such other significant issues as may be brought out during the course of the 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 Fifty-third Legislative Assembly.

Filed March 27, 1991

## CHAPTER 806

HOUSE CONCURRENT RESOLUTION NO. 3062  
(Representatives Rennerfeldt, R. Berg)  
(Senators Nelson, Meyer)

### HAZARDOUS MATERIAL DISPOSAL STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of establishing a collection and disposal program for agricultural pesticides, hazardous household chemicals, and their containers.

WHEREAS, there is substantial use in this state of agricultural pesticides and hazardous household chemicals; and

WHEREAS, unused agricultural pesticides, hazardous household chemicals, and their containers can, if not properly collected and disposed of, pose serious environmental threats; and

WHEREAS, it is in the interest of all North Dakotans that unused agricultural pesticides, hazardous household chemicals, and their containers, be appropriately collected and disposed of;

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

That the Legislative Council study the feasibility of establishing a collection and disposal program for agricultural pesticides, hazardous household chemicals, and their containers; and

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

Filed April 1, 1991

## CHAPTER 807

HOUSE CONCURRENT RESOLUTION NO. 3063  
(Brokaw, B. Anderson, Nicholas, Byerly, Jacobson)  
(Approved by the Committee on Delayed Bills)

### **CREDIT UNION AGRICULTURAL LENDING POLICIES**

A concurrent resolution urging the National Credit Union Administration to refrain from regulations on agricultural lending which would reduce the ability of North Dakota credit unions to provide agricultural loans to their members.

WHEREAS, credit unions in North Dakota provide loans for agricultural purposes to their members; and

WHEREAS, the National Credit Union Administration is proposing additional limitations on credit unions which would limit their ability to serve their members with agricultural loans; and

WHEREAS, an adequate supply of available financing is important to the well-being of the family farmers in North Dakota;

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

That the National Credit Union Administration refrain from implementing the proposed business loan regulation as published in the Federal Register on January 24, 1991; and

BE IT FURTHER RESOLVED, that the National Credit Union Administration rules for agricultural loans be separate and apart from rules governing other commercial loans; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the National Credit Union Administration Board, 1776 G Street NW, Washington, DC 20456.

Filed March 22, 1991

## CHAPTER 808

HOUSE CONCURRENT RESOLUTION NO. 3065  
(Scherber, Larson)

### HUMAN SERVICES DELIVERY STUDY

A concurrent resolution directing the Legislative Council to study privatization of and contracting for services by the Department of Human Services to provide services that the department is obligated to provide.

WHEREAS, the Department of Human Services is charged with providing services to the chronically mentally ill, the chemically dependent, the developmentally disabled, and the aged and infirm; and

WHEREAS, the Department of Human Services attempts to meet the needs of clients with appropriate and cost-effective services; and

WHEREAS, many for profit and nonprofit community-based organizations offer services that are provided by public agencies; and

WHEREAS, mental health services, chemical dependency treatment, and counseling services are offered by many public and private agencies and associations; and

WHEREAS, the Department of Human Services currently contracts for some of these services;

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

That the Legislative Council study the current level of contracting done by the Department of Human Services and the role of for profit and nonprofit organizations, examine the underlying goals of contracting and direct services, examine the cost effectiveness of contracting, the needs of clients for accessible and appropriate services, analyze the service range and cost to contract for services, and develop a plan for contracting including a framework for requests for proposals, evaluation, renewal, and termination of services and contracts; and

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

Filed April 1, 1991

**CHAPTER 809**

HOUSE CONCURRENT RESOLUTION NO. 3066  
(Kelsch, Oban, Henegar, Coats)  
(Approved by the Committee on Delayed Bills)

**PERSIAN GULF RETURNEES WELCOME URGED**

A concurrent resolution urging the Governor and all North Dakotans to join in welcoming home all North Dakota personnel called to active military duty in the Persian Gulf War.

WHEREAS, the Iraqi invasion of Kuwait and the response of the United States and allied multinational forces to the invasion have resulted in one of the largest American military deployments in recent history; and

WHEREAS, many North Dakota citizens have been called to active military duty to combat this unprovoked aggression; and

WHEREAS, the sacrifice and heroism of those called to active military duty in the Persian Gulf War is deserving of the full measure of respect and appreciation of all North Dakotans, which should be conveyed so that those called to active duty have no doubt of the esteem for them in the hearts and minds of North Dakotans;

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

That the Fifty-second Legislative Assembly urges the Governor, Adjutant General, and other state leaders to cooperate in organizing and conducting a welcome home celebration on the Capitol grounds upon the return of North Dakota's brave and dedicated men and women called to active duty in the Persian Gulf War and further urges all North Dakotans to join in the celebration and expression of pride and gratitude; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Governor and the Adjutant General.

Filed March 27, 1991

**CHAPTER 810**

HOUSE CONCURRENT RESOLUTION NO. 3067  
(Schneider, Kloubec)  
(Approved by the Committee on Delayed Bills)

**CHARITABLE GAMING STUDY**

A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules.

WHEREAS, the growth of charitable gaming as an industry in this state requires the attention of the Legislative Assembly in each legislative session; and

WHEREAS, a thorough review of rules and laws governing charitable gaming by an interim committee is required to assure that rules and laws regarding taxes, enforcement, and limitations on charitable gaming are adequate to govern charitable gaming under current conditions;

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

That the Legislative Council study charitable gaming laws and rules to determine whether the laws and rules regarding taxation, enforcement, and limitations on charitable gaming are adequate and appropriate; and

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

Filed April 4, 1991

## CHAPTER 811

HOUSE CONCURRENT RESOLUTION NO. 3068

(Meyer, Gates)

(Approved by the Committee on Delayed Bills)

### EDUCATIONAL FUNDING FORMULA STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of implementing an educational funding formula based on current costs that considers using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating sparsity of enrollment, requiring a minimum level of local effort, and providing additional funding for categories of students that are below statewide averages of per-pupil expenditures.

WHEREAS, the current education funding formula often creates widely disparate results; and

WHEREAS, the average cost per pupil in the 1989-90 school year ranged from \$13,819 to \$2,094; and

WHEREAS, the taxable valuation per pupil in the 1989-90 school year ranged from \$75,707 to \$160; and

WHEREAS, the dollars raised per pupil based on a state average mill levy during the 1989-90 school year ranged from \$12,632 to \$27; and

WHEREAS, equalization of the funding formula should include consideration of using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating a school district's sparsity of enrollment as a weighting factor, requiring a minimum level of local funding effort, and providing an additional payment for any category of students having a per-pupil expenditure that is less than 90 percent of the statewide average;

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

That the Legislative Council study the educational funding formula based on current costs that considers using all sources of revenue and wealth to measure a school district's local ability to support education, incorporating sparsity of enrollment, requiring a minimum level of local effort, and providing additional funding for categories of students that are below statewide averages of per-pupil expenditures, and determine whether that or a similar formula would, if implemented, alleviate the inequities resulting from the application of the current funding formula; and

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

Filed March 27, 1991

**CHAPTER 812**

HOUSE CONCURRENT RESOLUTION NO. 3069  
(Wald, Kaldor, Muhs, Myrdal, Kunke1)  
(Approved by the Committee on Delayed Bills)

**SCHOOL TRANSPORTATION AID STUDY**

A concurrent resolution directing the Legislative Council to study state transportation aid to school districts.

WHEREAS, state transportation aid is paid to school districts based primarily on the number of miles traveled and the size of schoolbus operated; and

WHEREAS, state transportation aid has, over the years, steadily increased as a percentage of all transportation costs incurred by school districts; and

WHEREAS, the current state transportation formula evidences a disparity in the percentage of transportation costs reimbursed to school districts;

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

That the Legislative Council study state transportation aid to determine whether the existing formulas adequately and equitably meet the needs of large and small school districts, and if not, to consider various funding formulas that would better serve the existing and future transportation needs of large and small school districts; and

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

Filed April 1, 1991

## CHAPTER 813

HOUSE CONCURRENT RESOLUTION NO. 3070

(R. Berg)

(Approved by the Committee on Delayed Bills)

### STATE EXPENDITURE AND SICK LEAVE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing state agencies to retain and expend a portion of unexpended general fund appropriations beyond the end of the biennium for which the funds were appropriated and the possibility of a bonus system in lieu of sick leave use.

WHEREAS, state law presently provides that unexpended general fund appropriations must be turned back to the state general fund after the end of the biennium for which the funds were appropriated; and

WHEREAS, legislation has been considered by the Fifty-second Legislative Assembly that would allow state agencies, institutions, or departments to retain expenditure authority over a portion of unexpended general fund appropriations beyond the end of the biennium for one-time purchases or projects that do not result in a continuing obligation; and

WHEREAS, use of state employee sick leave can put stress on understaffed and overworked state agencies; and

WHEREAS, incentives in lieu of the use of sick leave has in some states reduced the use of sick leave; and

WHEREAS, careful study is required of the feasibility and desirability of allowing state agencies to retain expenditure authority over general fund appropriations after the end of the biennium for which the funds were appropriated;

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 allowing state agencies to retain expenditure authority over a portion of general fund appropriations beyond the end of the biennium for which the funds were appropriated and the possibility of a bonus system in lieu of sick leave use; and

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

Filed April 8, 1991

## CHAPTER 814

HOUSE CONCURRENT RESOLUTION NO. 3071  
(Representatives Wald, Whalen)  
(Senator Tallackson)  
(Approved by the Committee on Delayed Bills)

### STATE INSURANCE TAXATION URGED

A concurrent resolution urging Congress to continue its declared policy that the continued regulation and taxation by the several states of the business of insurance is in the public interest.

WHEREAS, the safety and soundness of insurance companies operating in the United States is a prime objective of state insurance regulation; and

WHEREAS, the public depends on solvent insurance companies to provide retirement income, income protection in case of death or disability, protection from catastrophic loss, and safe investment opportunities; and

WHEREAS, states are endeavoring to improve insurance company solvency regulation in order to protect state treasuries, fiscally sound companies, state guaranty fund systems, and guaranteed investment contracts; and

WHEREAS, the National Association of Insurance Commissioners has developed an agenda to enhance a state's authority to monitor and regulate insurance company solvency through:

1. Financial regulatory standards and state accreditation;
2. Uniform reinsurance evaluation;
3. Examination processes assessment;
4. Further enhancement of the National Association of Insurance Commissioners' solvency analysis support to state insurance departments; and
5. Review of annual statement disclosure of capitalization and reserving requirements; and

WHEREAS, states are acting to provide an alternative to federal intervention in insurance company solvency regulation and federal preemption of the states' insurance premium tax base;

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

That the Fifty-second Legislative Assembly urges the Congress of the United States to continue its declared policy, as expressed in the McCarran-Ferguson Act, that "the continued regulation and taxation by the several States of the business of insurance is in the public interest"; and

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

Filed April 4, 1991

## CHAPTER 815

HOUSE CONCURRENT RESOLUTION NO. 3072  
(Representatives Ring, DeMers, Oban)  
(Senators Evanson, Heinrich, Mushik)  
(Approved by the Committee on Delayed Bills)

### MILLER SCHOOL STUDENTS RECOGNITION

A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

WHEREAS, the sixth grade students of teacher Vivian Meiers at Miller Elementary School in Bismarck undertook a study on environmental protection which ultimately led to drafting, securing sponsorship for, and testifying in support of 1991 House Concurrent Resolution No. 3027, which calls for a Legislative Council study of methods to reduce ground pollution in North Dakota landfills with an emphasis on encouraging recycling efforts; and

WHEREAS, the environmental study done by these students was entered in a contest sponsored by the Target Corporation and was selected as the nation's winning entry, for which three students and their teacher will attend "Earth Expo '91" at the United Nations in New York City; and

WHEREAS, the national attention received by these students for their project and the example set by these students of the appropriate manner in which to conduct successful citizen involvement in the legislative process are examples of which North Dakotans can be proud;

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

That the Fifty-second Legislative Assembly extends its congratulations and appreciation to the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for achieving national attention for the state of North Dakota and for the excellent example set by these students in how citizens can make a difference; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Vivian Meiers and the two classes involved in this project at Miller Elementary School, the Bismarck Superintendent of Schools, and the Bismarck School Board.

Filed April 10, 1991