

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 816

SENATE CONCURRENT RESOLUTION NO. 4001  
(Legislative Council)  
(Interim Elections Committee)

### ELECTION CAMPAIGN STUDY

A concurrent resolution directing the Legislative Council to study North Dakota election laws, including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures.

WHEREAS, during the 1989-90 interim the Legislative Council's Elections Committee was directed to consider all aspects of the election process with emphasis on new voting concepts that would make the process more timely and cost effective; and

WHEREAS, the committee focused its study on the feasibility of mail ballot elections and adopted guidelines for use of mail ballots at the 1990 primary election; and

WHEREAS, during the latter part of the interim the committee received testimony indicating that there may be conflicting provisions and inconsistencies in North Dakota election laws and indicating that the laws relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures may be inadequate;

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

That the Legislative Council study North Dakota election laws, including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures, with an emphasis on resolving inconsistencies and conflicting provisions, on establishing more uniform and effective election procedures, and on establishing more adequate provisions relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures; 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 817

SENATE CONCURRENT RESOLUTION NO. 4002  
(Legislative Council)  
(Interim Industry and Business Committee)

### SUBSIDIZED HEALTH INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and ramifications of adopting and implementing a state-subsidized health insurance program for uninsured and underinsured residents.

WHEREAS, during the 1989-90 interim, the Legislative Council's interim Industry and Business Committee studied the health care insurance needs of uninsured and underinsured persons; and

WHEREAS, among the several methods considered by the committee to address the needs of the uninsured and underinsured was a proposal to allow the Department of Human Services to contract with private health insurance providers to provide a subsidized nongroup health insurance coverage, available on a sliding fee scale basis, to persons with incomes up to 250 percent of the federal poverty level; and

WHEREAS, several issues relating to the proposal were unresolved and are worthy of further study, including whether Medicare recipients should be included in the population eligible for the subsidized coverage, whether the targeted poverty level should be lowered, and whether the coverages contemplated by the proposal should be modified; and

WHEREAS, committee members concluded that, in an effort to further consider methods of addressing the needs of the uninsured and the underinsured, issues related to the proposal, the scope of its potential implementation, and its general feasibility should be studied further;

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

That the Legislative Council study the feasibility and ramifications of adopting and implementing a state-subsidized health insurance program for uninsured and underinsured residents, with emphasis upon a review and further development of information regarding the proposal considered by the interim Industry and Business Committee; 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 15, 1991

## CHAPTER 818

SENATE CONCURRENT RESOLUTION NO. 4003  
(Legislative Council)  
(Interim Jobs Development Commission)

### STATE GOVERNMENT PRIVATIZATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the privatization of some state government services.

WHEREAS, the North Dakota 2000 Committee as part of its call for state government reform has recommended that some state government functions should be examined for possible privatization on the basis, in part, that North Dakota is perceived as having a high number of state employees as compared on a per capita basis with other states; and

WHEREAS, the general premise underlying privatization is that, because private firms are subject to competition from other firms, they are compelled to provide goods and services for less cost and more efficiently than government agencies; and

WHEREAS, although North Dakota has contracted for the provision of public sector services through the private sector, including services for the developmentally disabled, several other states have privatized other public sector services which illustrate potential opportunities for further privatization in North Dakota, particularly if privatization would provide a clear benefit for the state and the function to be privatized lies clearly outside of the function of government; and

WHEREAS, privatization of state government services is beset by a host of constitutional, statutory, and contractual issues that, to a large degree, are closely allied to an evaluation of policy questions relating to cost effectiveness, quality of services, state control or guidelines, and state contractual remedies;

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

That the Legislative Council study the feasibility and desirability of the privatization of some state 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 April 4, 1991

## CHAPTER 819

SENATE CONCURRENT RESOLUTION NO. 4004  
(Legislative Council)  
(Interim Jobs Development Commission)

### ECONOMIC DEVELOPMENT STUDY

A concurrent resolution directing the Legislative Council to study, analyze, and evaluate, with assistance of a consultant, public policy as determined by the Legislative Assembly and its relationship to the state's ability to enhance economic development.

WHEREAS, after thousands of hours of research, interviews, and meetings, the North Dakota 2000 Committee concluded that North Dakota's economic indicators show a state at risk; that higher prices for the state's two most basic economic generators - agriculture and energy - would not solve the state's economic problems; and that fundamental long-term changes are needed; and

WHEREAS, the North Dakota 2000 Committee and the Governor's Committee of 34 recommend changes based on a strong four-sector program featuring advanced agriculture and food processing, energy byproduct development, exported services and tourism, and advanced manufacturing; and

WHEREAS, many of the recommendations of the two committees are affected by the state's present tax structure and require an increase in state funding for economic development; and

WHEREAS, the North Dakota 2000 Committee conducted meetings in 40 communities across the state in an effort to determine whether North Dakotans perceived that the North Dakota economy was at risk and, if so, the problems causing the economy to stagnate; and

WHEREAS, although North Dakotans agreed that the state has serious economic problems and with the need for economic development in the state, recent successful referrals of bills providing for increased sales, income, and gasoline taxes, and the defeat of an initiated measure to increase sales taxes for educational purposes sent a clear message that the North Dakota taxpayer is not supportive of present policies of state government as it relates to taxes; and

WHEREAS, over time as laws are enacted to address specific shortrun concerns, the system can become overlapping or even contradictory in its use of policy tools that may be unnecessarily complex and patchworked in a manner that thwarts the accomplishment of originally intended objectives; and

WHEREAS, support for any economic change in North Dakota must come from the people and that will only be accomplished if the state's tax structure is perceived as fair and responsive to the people's needs; and

WHEREAS, although the recommendations of the North Dakota 2000 Committee and the Governor's Committee of 34 for improving the state's economic position would make sweeping changes if implemented, there is a need for additional study to ensure that the state develops a rational overall fiscal policy that considers criteria such as revenue productivity, simplicity, equity, competitiveness, economic neutrality, intergovernmental neutrality, and administrative feasibility;

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

That the Legislative Council study, analyze, and evaluate, with the assistance of a consultant, public policy as determined by the Legislative Assembly and its relationship to the state's ability to enhance economic development; and

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

Filed February 28, 1991

## CHAPTER 820

SENATE CONCURRENT RESOLUTION NO. 4005  
(Legislative Council)  
(Interim Committee on Public Employees Retirement Programs)

### RETIREMENT OFFICE CONSOLIDATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement.

WHEREAS, it is in the best interests of the state and its political subdivisions to provide cost efficient and properly administered retirement programs for the benefit of public employees; and

WHEREAS, the adequacy of public employee retirement programs is dependent on the proper administration and investment of public employee retirement funds; and

WHEREAS, the merger of the investment functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement has been successful and resulted in cost savings; and

WHEREAS, the consolidation of areas such as accounting, computerization, benefits counseling, and management staffing has the potential to result in significant further cost savings; and

WHEREAS, the management of the state health plan by the Public Employees Retirement System should be evaluated and the possibility of merging this function of the Public Employees Retirement System into a combined system consisting of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement should be studied; and

WHEREAS, the decision whether to consolidate the functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement necessarily involves the funds, and the participants in and beneficiaries of the funds; and

WHEREAS, the long-term common goal of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement is to maximize benefits to public employees;

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

That the Legislative Council study the feasibility and desirability of consolidating the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement; 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 28, 1991

## CHAPTER 821

### SENATE CONCURRENT RESOLUTION NO. 4007 (Bowman)

## PUBLIC ASSISTANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of establishing programs for families and individuals receiving public assistance to permit them to develop skills that will lead to gainful employment.

WHEREAS, the effective delivery of public assistance is an integral part of the well-being of significant numbers of North Dakota families and individuals; and

WHEREAS, it is in the interest of all North Dakotans that public assistance be a short-term rather than a long-term support mechanism; and

WHEREAS, it is in the interest of all North Dakotans that the state take every opportunity to assist recipients of public assistance in becoming gainfully employed; and

WHEREAS, North Dakota has university campuses, vocational campuses, and other state facilities that could be made to accommodate families and individuals; and

WHEREAS, the state could provide to such families and individuals food, shelter, and other basic care; and

WHEREAS, with the removal of concerns regarding basic necessities such as food and shelter, recipients could pursue courses of study that would prepare them for careers of their choosing; and

WHEREAS, with support, encouragement, and newly acquired skills, North Dakota families and individuals currently receiving public assistance could achieve both self-esteem and gainful employment, thereby becoming self-sufficient and no longer in need of public assistance;

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

That the Legislative Council study the feasibility of establishing programs on utilizing our university campuses, vocational campuses, and other state facilities for families and individuals receiving public assistance to permit them to develop skills that will lead to gainful employment and study all current skills development programs as well as current and potential funding sources for those programs; and

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

Filed March 26, 1991

## CHAPTER 822

SENATE CONCURRENT RESOLUTION NO. 4009  
(Committee on Appropriations)

### BLOCK GRANT FUNDS APPROVAL

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

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

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

WHEREAS, the Appropriations Committees have held the required public hearings on block grant moneys expected for the next biennium by the Office of Management and Budget, Department of Human Services, and State Department of Health and Consolidated Laboratories; and

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

WHEREAS, the Legislative Assembly will not meet in regular session during 1992 and thus its public hearing responsibility for grants not approved by the Fifty-second Legislative Assembly must be delegated to a legislative entity;

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

That the appropriation bills for the Office of Management and Budget, Department of Human Services, and State Department of Health and Consolidated Laboratories, as they are passed by this Legislative Assembly, are the Legislative Assembly's approval and contain directions on the use of block grant moneys for the period ending September 30, 1993; and

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

BE IT FURTHER RESOLVED, that the Budget Section authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-second Legislative Assembly through September 30, 1993, and the Budget Section shall utilize such methods and procedures for holding such hearings and giving notice thereof as it deems appropriate.

Filed March 28, 1991

## CHAPTER 823

### SENATE CONCURRENT RESOLUTION NO. 4011 (Streibel, Naaden)

#### STATE ROLE IN GARRISON DIVERSION

A concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

WHEREAS, the state of North Dakota was first promised a 1,000,000-acre multiple-purpose water project in the historic Pick-Sloan compromise, which led to the Flood Control Act of December 22, 1944, [58 Stat. 887]; and

WHEREAS, the Act of August 5, 1965, [79 Stat. 433] authorized the initial phase of the Garrison Diversion Unit which promised 250,000 acres of irrigation, fish and wildlife, municipal and rural water supplies, recreation, and other benefits for the state of North Dakota; and

WHEREAS, the Garrison Diversion Project was substantially modified by the Garrison Diversion Unit Reformulation Act of 1986 [100 Stat. 418] and project benefits to the state of North Dakota were significantly reduced; and

WHEREAS, federal officials have consistently promised the state of North Dakota that the United States would promptly develop the Garrison Diversion Unit if the state would accept a smaller project and if the state would pay an ever-increasing share of project costs; and

WHEREAS, the state of North Dakota has already contributed 550,000 acres of land for Pick-Sloan reservoirs so that downstream states may receive flood control, hydroelectric, and navigation benefits; and

WHEREAS, the state of North Dakota has already contributed thousands of acres of land for wetland, fish, and wildlife mitigation and enhancement related to the project for the benefit of the entire United States; and

WHEREAS, the United States has partially constructed the Garrison Diversion Project, but the project features have not yet been utilized and require continuing maintenance; and

WHEREAS, during the past 45 years, the state of North Dakota and North Dakota Indian tribes have fully contributed their share of the Pick-Sloan compromise and have incurred substantial social, financial, economic, and environmental costs, but the anticipated benefits have not been forthcoming; and

WHEREAS, recent events show that federal officials are renegeing on promises that were made to the state of North Dakota when the state reluctantly accepted the reduced project as provided in the Garrison Diversion Unit Reformulation Act of 1986; and

WHEREAS, continued federal equivocation on key features, such as a connecting facility between the McClusky and New Rockford canals, will virtually assure that the project will remain nonfunctional, will preclude the state from receiving promised benefits, and will seriously reduce the potential for economic advances in North Dakota's future; and

WHEREAS, Fargo and Grand Forks will benefit from an assured supply of municipal and industrial water in the Sheyenne and Red rivers; and

WHEREAS, Minot and surrounding communities will benefit from an assured water supply system; and

WHEREAS, the Garrison Diversion Unit will provide a capability to stabilize Devils Lake; and

WHEREAS, the Garrison Diversion Unit will provide thousands of acres of irrigation, which is essential to support a stable livestock industry and to diversify North Dakota agriculture; and

WHEREAS, it appears to the Legislative Assembly that the state of North Dakota, through the Garrison Diversion Conservancy District, should assume a greater role in developing, constructing, operating, and maintaining the Garrison Diversion Project; and

WHEREAS, it also appears that the state of North Dakota should consider entering cost-share arrangements with the United States to complete key project features or to assume title to project features in order to assure that the project is not abandoned by the United States;

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

That the Fifty-second Legislative Assembly urges the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

Filed April 4, 1991

## CHAPTER 824

### SENATE CONCURRENT RESOLUTION NO. 4012

(Senators Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos)  
(Representatives R. Berg, Bernstein, Dorso, Gabrielson, Gorman,  
Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup)

## CHRIS SIMDORN CONGRATULATIONS

A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

WHEREAS, Chris Simdorn, as quarterback of the North Dakota State University Bison football team, has led the Bison to two national NCAA Division II football championships within the past three seasons; and

WHEREAS, Chris Simdorn amassed the highest rushing yardage total for a quarterback in NCAA Division II history and the second highest rushing total for a quarterback in all of NCAA football history, with 3,313 yards over his regular season career; and

WHEREAS, Chris Simdorn's Bison career statistics, including 10 playoff games, show records of 4,186 yards rushing and 72 rushing touchdowns plus 2,529 passing yards and 24 passing touchdowns; and

WHEREAS, during his career the Bison won over 92 percent of the games in which they took the field with Chris Simdorn as their starting quarterback; and

WHEREAS, as further tribute to his leadership and athletic abilities, Chris Simdorn was named the winner of the 1990 Harlon Hill trophy as the nation's best player in NCAA Division II football;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Chris Simdorn for his outstanding achievements in the sport of collegiate football and wishes him well in his future endeavors; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Chris Simdorn, his family, and Bison coach Rocky Hager.

Filed January 18, 1991

## CHAPTER 825

### SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennesof)  
(Representatives R. Berg, Bernstein, Dorso, Gabrielson, Gorman,  
Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup)

## BISON FOOTBALL CONGRATULATIONS

A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

WHEREAS, the North Dakota State University Bison football team, coached by native North Dakotan Rocky Hager, completed an undefeated, untied 1990 season with fourteen wins, culminating in an overwhelming and record-setting 51-11 victory over Indiana University of Pennsylvania in the NCAA Division II championship; and

WHEREAS, the Bison have achieved NCAA Division II national football championships by acclamation in 1965, 1968, and 1969 and in playoff competition in 1983, 1985, 1986, 1988, and 1990; and

WHEREAS, the 1990 Bison football team was comprised of very talented individuals, including NCAA Division II most valuable player Chris Simdorn and NCAA Division II playoff rushing yardage recordholder Tony Satter, and the skills of the many talented individuals on this team were molded into a complete team success by dedication, hard work, and skilled coaching; and

WHEREAS, the Bison football program is the most successful program in NCAA Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State University Bison football team, head coach Rocky Hager and his staff, and North Dakota State University its heartiest congratulations for excellence in dedication and performance, resulting in another national championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and head coach Rocky Hager and his staff.

Filed January 17, 1991

## CHAPTER 826

SENATE CONCURRENT RESOLUTION NO. 4014  
(Senators Kelsh, Freborg, Wogsland)  
(Representatives Gerntholz, Martin, Stofferahn)

### **AGRICULTURE VIABILITY ASSISTANCE URGED**

A concurrent resolution urging the President and Congress to take immediate steps to restore financial viability to agriculture.

WHEREAS, North Dakota has in recent years endured drought, insect infestation, low farm prices, and a weakened agricultural economy; and

WHEREAS, real net farm income has plummeted during the decade of the 1980s to the lowest point since recordkeeping began; and

WHEREAS, one out of six farmers in North Dakota is technically insolvent or has a debt-to-asset ratio in excess of 70 percent; and

WHEREAS, during the decade of the 1980s, North Dakota lost 6,500 farmers, the nation lost over a quarter of a million farms, and it is predicted that the rate of farm loss will double; and

WHEREAS, the loss of farm numbers and farm income has wreaked financial devastation on the main streets of rural North Dakota and has resulted in the massive outmigration of our young people; and

WHEREAS, each \$1 decrease per bushel in the price of wheat translates into a \$1.4 billion decrease to North Dakota's economy; and

WHEREAS, new farm legislation has not only failed to provide a reasonable safety net for family farm agriculture but can only be expected to further reduce market price levels, and continue devaluing farm assets;

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

That the Fifty-second Legislative Assembly urges the President and the Congress of the United States to take immediate administrative and legislative action to:

1. Increase commodity loan rates to the statutory rate to provide reasonable cost-of-production returns to producers;
2. Negotiate the creation of international food reserves in which both importing and exporting nations share in the costs of maintaining those reserves and in making necessary adjustments in times of surplus;

3. Maintain export credits available to the Soviet Union for purchases of wheat and feed grains, making the United States competitive with other grain exporting nations; and
4. Target farm program benefits to provide price protection to the level of production for the average-sized family farm; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President, the Secretary of Agriculture, each member of the United States Senate and House Agriculture Committees, and each member of the North Dakota Congressional Delegation.

Filed March 12, 1991

## CHAPTER 827

SENATE CONCURRENT RESOLUTION NO. 4016  
(Senators Heigaard, Nelson)  
(Representatives Kloubec, Schneider)

### PERSIAN GULF CRISIS

A concurrent resolution expressing support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to exhaust every avenue in attempting to achieve a peaceful solution to the Persian Gulf crisis.

WHEREAS, North Dakota military men and women and the military men and women of the other nations of the world have recently been placed in harm's way; and

WHEREAS, the Iraqi invasion of Kuwait is a violation of international law and the treatment of the Kuwaiti citizens involve human rights violations of the very worst kind; and

WHEREAS, all avenues of peaceful resolution of the conflict in the Persian Gulf should be explored and exhausted, including full involvement by the United Nations;

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

That the Fifty-second Legislative Assembly expresses its full support for the military personnel serving in the Persian Gulf and fervently hopes that these men and women will soon be safely home in the company of family, friends, and loved ones; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly condemns the Iraqi invasion of Kuwait and the continuing human rights violations committed on the Kuwaiti people; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges the United States government and the United Nations that all options be considered and all means exhausted in seeking a peaceful resolution to the conflict, and further resolved that if after all options are considered and all means exhausted in seeking a peaceful resolution to the conflict have failed the Fifty-second Legislative Assembly supports appropriate action by the United Nations and the President of the United States; 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 presiding officers of the United States House of Representatives and the United States Senate, the Secretary of Defense, the Secretary of State, and to each member of the North Dakota Congressional Delegation.

Filed January 17, 1991

## CHAPTER 828

SENATE CONCURRENT RESOLUTION NO. 4017  
(Naaden)

### **NO-FAULT INSURANCE STUDY**

A concurrent resolution directing the Legislative Council to study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states.

WHEREAS, the unintended result of the operation and effect of North Dakota's no-fault insurance law has been higher motor vehicle insurance rates and greater litigation costs; and

WHEREAS, the experience in other states, such as Michigan, has been that a well-designed no-fault insurance law results, and should result, in lower motor vehicle insurance rates and lower litigation costs; and

WHEREAS, it is in the best interests of the citizens of this state to have a no-fault insurance law that provides lower motor vehicle insurance rates and less incidence of litigation;

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

That the Legislative Council study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states to determine if this state's law should be modified or replaced to ensure lower motor vehicle insurance rates and fewer litigation costs for the citizens of this state; and

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

Filed March 26, 1991

## CHAPTER 829

### SENATE CONCURRENT RESOLUTION NO. 4019 (Stenehjem, Traynor)

#### **LAW ENFORCEMENT TRAINING FACILITY STUDY**

A concurrent resolution directing the Legislative Council to study methods for funding law enforcement training facilities and programs.

WHEREAS, adequate training facilities and programs are essential to ensuring the competence and professionalism of law enforcement officials; and

WHEREAS, current training facilities lack sufficient housing, office space, and areas for emergency vehicle and physical training and this often requires the search for and use of substitute facilities, the availability of which cannot be depended upon; and

WHEREAS, the future needs for training law enforcement and correctional officers in this state will require increased funding and the methods for providing adequate funding are uncertain;

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

That the Legislative Council study methods for funding law enforcement training facilities and programs and the role of the Peace Officers Standards and Training Board in administering the same; 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 26, 1991

## CHAPTER 830

SENATE CONCURRENT RESOLUTION NO. 4021  
(Senators Streibel, Wogsland, Robinson)  
(Representatives Coats, R. Anderson, D. Olsen)

### CONSTITUTIONAL PROHIBITION ON FLAG DESECRATION

A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States.

WHEREAS, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

WHEREAS, there are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

WHEREAS, the flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords to the flag of the United States that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of the United States of a proper station under law and decency;

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

That the Fifty-second Legislative Assembly urges the Congress of the United States to propose to the several states for ratification an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States; and

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

Filed March 26, 1991

## CHAPTER 831

SENATE CONCURRENT RESOLUTION NO. 4023  
(Senators David, Kinnoin, Redlin)  
(Representatives Howard, Skjervén, Nichols)

### CONGRESSIONAL COMPENSATION

A concurrent resolution for the ratification of the original second amendment to the Constitution of the United States, providing for a delay in any variances in compensation of members of Congress until an intervening election of the United States House of Representatives.

WHEREAS, the First Congress of the United States of America, at its first session begun on March 4, 1789, and held in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution;

"RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring that the following [Article] be proposed to the Legislatures of the several States, as [an amendment] to the Constitution of the United States...which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An ARTICLE] in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

WHEREAS, Article V of the Constitution of the United States allows the Legislative Assembly of the State of North Dakota to ratify the aforementioned original second amendment to the Constitution of the United States; and

WHEREAS, the Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that if Congress does not specify a deadline on a particular proposed amendment's consideration by the state legislatures, then Congress itself is the final arbiter of whether too great

a time has elapsed between Congress' original submission of the particular amendment and the most recent state legislature's ratification of it, assuming that, as a consequence of that most recent ratification, the legislatures of three-fourths of the several states have, at one time or another, ratified it; and

WHEREAS, the Legislative Assembly of the State of North Dakota finds that the proposed original second amendment, quoted above, is still meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposal was first offered by Congress; and

WHEREAS, the proposed original second amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit; and

- Alaska on May 5, 1989 [135 Cong. Rec. H5485, S8054];
- Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750];
- Arkansas on March 5, 1987 [134 Cong. Rec. H3721, S7518];
- Colorado on April 18, 1984 [131 Cong. Rec. S17687; 132 Cong. Rec. H6446];
- Connecticut on May 13, 1987 [133 Cong. Rec. H7406, S11891];
- Delaware on January 28, 1790;
- Florida on May 31, 1990 [136 Cong. Rec. H5198, S10091];
- Georgia on February 2, 1988 [134 Cong. Rec. H2638, S5239];
- Idaho on March 23, 1989 [135 Cong. Rec. H1893, S7911];
- Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663];
- Iowa on February 7, 1989 [135 Cong. Rec. H836, S3509-10];
- Kansas on April 5, 1990 [136 Cong. Rec. H1689, S9170, E1740-41];
- Louisiana on July 6, 1988 [134 Cong. Rec. H5783, S9939];
- Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017];
- Maryland on December 19, 1789;
- Minnesota on May 22, 1989 [135 Cong. Rec. H3258, H3678, S7655-56, S7912];
- Montana on March 11, 1987 [133 Cong. Rec. H1715, S6155];
- Nevada on April 26, 1989 [135 Cong. Rec. H2054, S10826];
- New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597];

New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207-08, S2300];  
North Carolina on December 22, 1789;  
Ohio on May 6, 1873 [70 Ohio Laws 409-10];  
Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504];  
Oregon on May 19, 1989 [135 Cong. Rec. H5692, H5972, S11123-24, S12150];  
South Carolina on January 19, 1790;  
South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306];  
Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504];  
Texas on May 15, 1989 [135 Cong. Rec. H2594, S6726-27];  
Utah on February 25, 1986 [132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866];  
Vermont on November 3, 1791;  
Virginia on December 15, 1791;  
West Virginia on March 10, 1988 [134 Cong. Rec. H2492, S4784-85];  
Wisconsin on June 30, 1987 [133 Cong. Rec. H7406, S12948, S13359]; and  
Wyoming on March 3, 1978 [124 Cong. Rec. 7910, 8265-66; 133 Cong. Rec. S12949];

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

That the proposed original second amendment to the Constitution of the United States of America, as quoted above, is hereby ratified by the Fifty-second Legislative Assembly of the State of North Dakota; and

BE IT FURTHER RESOLVED, that enrolled copies of this resolution be transmitted by the Secretary of State to the Archivist of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, and to the North Dakota Congressional Delegation with the request that it be printed in full in the Congressional Record.

Filed April 3, 1991

## CHAPTER 832

SENATE CONCURRENT RESOLUTION NO. 4024  
(Senators Nalewaja, Thane, Lips)  
(Representative D. Olsen)

### **NURSING HOME INSURANCE INCENTIVES URGED**

A concurrent resolution urging Congress and the President to take action to encourage citizens to plan for retirement needs to reduce the reliance of senior citizens on public financial assistance.

WHEREAS, the proportion of the United States' population over age 65 is projected to continue to increase; and

WHEREAS, constant inflation has eroded the financial independence of many senior citizens, who now find that they require public financial assistance, especially when their health fails and they require nursing home care; and

WHEREAS, the United States would benefit in all respects from federal government encouragement of advance planning, saving, and insurance for retirement needs; and

WHEREAS, provision of a federal income tax credit or deduction for premiums paid for nursing home insurance and other means of encouraging citizens to plan, save, and obtain insurance for retirement needs should be a priority area of study by the federal government;

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

That the Fifty-second Legislative Assembly urges the Congress of the United States and the President to provide a federal income tax credit or deduction for premiums paid for nursing home insurance and to find other means of encouraging citizens to plan, save, and obtain insurance for retirement needs, with the goal of reducing the needs of senior citizens for public financial assistance; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President, the chairmen of the Senate Labor and Human Resources Committee and Subcommittee on Aging and the House Select Committee on Aging and Subcommittees on Health and Long-term Care and Human Services, and to each member of the North Dakota Congressional Delegation.

Filed March 8, 1991

## CHAPTER 833

SENATE CONCURRENT RESOLUTION NO. 4025  
(Senators Tomac, Freborg)  
(Representatives DeWitz, Mahoney)

### MISSOURI RIVER BANK PROTECTION STUDY

A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to begin an annual program of appropriating funds for the maintenance and construction of bank protection projects.

WHEREAS, the Flood Control Act of 1944, as amended by Senators O'Mahoney and Milliken, assured all 10 states within the Missouri River Basin equal benefits under a control and management program that came to be commonly known as the Pick-Sloan plan; and

WHEREAS, the Congress of the United States has directed the United States Army Corps of Engineers to build, operate, and maintain all the features of the Pick-Sloan plan; and

WHEREAS, the Pick-Sloan plan provides major flood control benefits, recreational benefits, power supply benefits, and navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point, and by channelizing the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, at federal expense; and

WHEREAS, the Pick-Sloan plan reservoirs have been in place for many years, thus providing the downstream states in the Missouri River Basin all of the benefits promised in the Pick-Sloan plan for the past 35 years; and

WHEREAS, construction of facilities under the Pick-Sloan plan has, to date, resulted in \$3 billion of flood protection to downstream interests which continue to accrue and has allowed these downstream interests to develop the original flood plain of the Missouri River for industrial, municipal, and agricultural uses; and

WHEREAS, the United States Army Corps of Engineers has stabilized and continues to maintain the entire channel of the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, all at federal cost; and

WHEREAS, under the Pick-Sloan plan the state of North Dakota has sacrificed over 550,000 acres of land, much of which was prime agricultural land; and

WHEREAS, almost two-thirds of the inexpensive hydroelectric power generated by Garrison Dam in North Dakota, which was built pursuant to the Pick-Sloan plan, is utilized in states other than North Dakota; and

WHEREAS, the United States Army Corps of Engineers stated in its final report to Congress dated December, 1981, concerning Missouri River stream bank erosion that "bank erosion in this reach results in a permanent net loss of high value lands. This process, unless halted, would eventually transform the present river into a wide area of sandbars and channels, occupying an increasing proportion of the valley width between the bluffs"; and

WHEREAS, the lands adjacent to the Missouri River have been and will continue to be seriously eroded and permanently lost to the local landowners and the state of North Dakota because of reservoir management which releases highly fluctuating amounts of clear water capable of eroding and transporting large amounts of soil; and

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir thereby causing the water table to rise under the adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent United States Army Corps of Engineers pronouncements, endangered 6,000 acres of land containing 40 homes and valuable farmland; and

WHEREAS, a similar bank erosion problem exists for a 58-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also below the Fort Peck Dam in Montana; and

WHEREAS, destructive bank erosion continues when high winter water releases for power generation occur, even in these drought years of sharply lower total annual releases; and

WHEREAS, the Water Resources Development Act of 1988 amended the Flood Control Act of 1944 and directed the Secretary of the Army to undertake measures, such as the maintenance and rehabilitation of existing structures, which the Secretary of the Army determines are needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River between Fort Peck Dam in Montana and a point 58 miles downstream of the Gavins Point Dam on the South Dakota-Nebraska border;

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

That the Fifty-second Legislative Assembly urges the United States Congress to assume responsibility for the protection of lands endangered below all Pick-Sloan dams by the operation of the Pick-Sloan plan; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urgently requests the United States Congress to begin a program of annually appropriating funds to repair existing bank protection projects now in danger of complete failure and to begin to construct bank protection projects in the most critical locations; and

BE IT FURTHER RESOLVED, that Senator Quentin N. Burdick, Senator Kent Conrad, and Congressman Byron L. Dorgan are urged to work diligently with the senators and congressmen of the states of Montana, South Dakota, and Nebraska to secure appropriations of these necessary funds; and

BE IT FURTHER RESOLVED, that funding for this project not be a normal federal water project appropriation, but rather be charged to the operation of the Pick-Sloan plan; and

BE IT FURTHER RESOLVED, that copies of this resolution be forward by the Secretary of State to the Secretary of the Interior; the District Engineer, Omaha District, United States Army Corps of Engineers; Governor George A. Sinner; the members of the North Dakota State Water Commission; and each member of the North Dakota, South Dakota, Nebraska, and Montana congressional delegations.

Filed March 26, 1991

## CHAPTER 834

SENATE CONCURRENT RESOLUTION NO. 4026  
(Senators Heigaard, Nelson)  
(Representatives Kloubec, Schneider)

### HIGHER EDUCATION AWARENESS DAY

A concurrent resolution declaring Wednesday, February 13, 1991, as Higher Education Awareness Day.

WHEREAS, the state of North Dakota has a tradition of supporting its institutions of higher education and of recognizing the students who attend those institutions; and

WHEREAS, students attending these institutions of higher education are visiting the Legislative Assembly to express their concerns about the future of higher education in this state; and

WHEREAS, the Legislative Assembly acknowledges the need to preserve the quality of higher education the state has enjoyed in the past; and

WHEREAS, the Legislative Assembly acknowledges the students at the institutions of higher education who would like to express their appreciation to the members of the Legislative Assembly for their hard work and the attention that they have given to the status of higher education in this state;

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

That the Fifty-second Legislative Assembly declares Wednesday, February 13, 1991, to be North Dakota Higher Education Awareness Day.

Filed February 5, 1991

## CHAPTER 835

SENATE CONCURRENT RESOLUTION NO. 4029  
(Senators Stenehjem, Robinson)  
(Representatives DeMers, Oban)

### **AMERICANS WITH DISABILITIES ACT STUDY**

A concurrent resolution directing the Legislative Council to study the Americans with Disabilities Act and its expected impact on state and local governments.

WHEREAS, in July 1990, Congress passed Public Law 101-336, commonly known as the Americans with Disabilities Act; and

WHEREAS, the Americans with Disabilities Act will be enforced beginning in July 1992 for employers with 25 or more employees; and

WHEREAS, it is expected that the provisions of the Americans with Disabilities Act will require extensive changes at the state and local government levels for state and local governments to come into compliance with the Act; and

WHEREAS, the costs of those changes may have a tremendous fiscal impact on state and local governments; and

WHEREAS, it will be necessary to educate state and local officials as to the effects of the Americans with Disabilities Act on their government entities; and

WHEREAS, the Governor has appointed a Governor's Americans with Disabilities Act implementation committee;

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

That the Legislative Council study the Americans with Disabilities Act and its expected impact on state and local governments in conjunction with the Governor's Americans with Disabilities Act implementation committee, and devise a system of informing state and local officials of the impact of the Americans with Disabilities Act on state and local 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 March 26, 1991

## CHAPTER 836

### SENATE CONCURRENT RESOLUTION NO. 4031 (Stenehjem)

#### **INDIGENT PERSON GUARDIANSHIP STUDY**

A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a public guardianship program for indigent persons.

WHEREAS, there are many persons throughout the state of North Dakota who are incapacitated to the extent they cannot give informed consent required to receive residential, medical, legal and financial decisions and are in need of guardianship services; and

WHEREAS, many counties do not have a public administrator and in some counties that have appointed a public administrator the position is not funded by either the county or the state; and

WHEREAS, federal and state regulations regarding long term facilities require appropriate protective arrangements, such as guardianships, for incapacitated residents; and

WHEREAS, many incapacitated persons do not have sufficient financial resources to pay for the costs of guardianship proceedings; and

WHEREAS, many incapacitated persons do not have a relative or other person who is able or willing to serve as their guardian; and

WHEREAS, all incapacitated persons, regardless of their financial status, should be provided necessary protective arrangements such as guardianship services;

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

That the Legislative Council study the desirability and feasibility of establishing a public guardianship program to provide guardianship services to those indigent persons in need of guardianship who cannot afford guardianship 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 26, 1991

## CHAPTER 837

### SENATE CONCURRENT RESOLUTION NO. 4032 (Stenehjem)

#### **CIVIL LEGAL SERVICES STUDY**

A concurrent resolution directing the Legislative Council to study the desirability and feasibility of enhancing and improving the ability of existing civil legal services programs to provide for the delivery of civil legal services to the poor and developing equal access to civil legal services for the poor.

WHEREAS, the number of persons in North Dakota with legal problems requiring attorney assistance continues to increase; and

WHEREAS, indigent persons have a statistically larger number of civil legal problems per household than the general population; and

WHEREAS, the ratio of private attorneys to the general population in North Dakota is approximately one to 600 and the ratio of full-time attorney equivalents available to provide civil legal services to indigent North Dakotans is one to 8,000; and

WHEREAS, the number of indigent persons who contact civil legal services providers far exceeds the ability to meet their needs; and

WHEREAS, many more indigent persons do not seek legal services because they are unaware they have problems that can be addressed by the legal system; and

WHEREAS, denial of civil legal services to the poor is a critical societal issue; and

WHEREAS, lack of access to civil legal services for indigents can result in loss of shelter, food, and legally protected property, and other of life's most basic necessities; and

WHEREAS, this impacts most significantly on innocent children in indigent households;

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

That the Legislative Council study the desirability and feasibility of enhancing and improving the ability of existing civil legal services programs to stabilize and equalize the availability and accessibility of civil legal services to the poor; and

BE IT FURTHER RESOLVED, that the Legislative Council study the desirability and feasibility of a state constitutional right to legal representation in civil matters generally or in specified cases involving the most basic necessities of life.

## CHAPTER 838

SENATE CONCURRENT RESOLUTION NO. 4033  
(Senators Nalewaja, Lindgren)  
(Representative D. Olsen)

### **CERTIFICATE OF NEED LAW STUDY**

A concurrent resolution directing the Legislative Council to study the cost containment effect of the certificate of need law.

WHEREAS, the certificate of need law contained in North Dakota Century Code Chapter 23-17.2 was enacted in 1971; and

WHEREAS, the purpose of the certificate of need law is to ensure the review and evaluation of health care facilities' building or expansion plans so that the building or expansion does not exceed the needs of patients or of persons in the area to be served and does not exceed the economic means of the state; and

WHEREAS, there has been no quantification of what the cost containment effect has been as a result of the certificate of need law requirements; and

WHEREAS, the continued necessity for the certificate of need law has been questioned;

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

That the Legislative Council study the certificate of need law and evaluate its access and cost containment implications; 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 839

SENATE CONCURRENT RESOLUTION NO. 4034  
(Senate Education Committee)

### SPECIAL EDUCATION FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the financial support for mandated special education programs and the method by which the Department of Public Instruction distributes the state grant program funds.

WHEREAS, special education programs in our districts have grown and developed over the years to meet the comprehensive mandates of the state and federal government; and

WHEREAS, the special education programs provide appropriate and needed services to our special students; and

WHEREAS, the financial support of mandated programs is left primarily to the local school districts, thereby placing a great burden on the local property tax and creating unhealthy competition for local dollars between special education and other programs; and

WHEREAS, the limited state funding is distributed on a new formula system that considers units of service, program costs, and program needs; and

WHEREAS, the issues related to low incident-high cost programs have created a myriad of problems relating to tuition charges, boarding care costs, and related services costs; and

WHEREAS, our districts contend that special education programs should be reimbursed by the state at 100 percent of the excess costs;

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

That the Legislative Council, with the assistance of the Department of Public Instruction, study the state financial support for mandated special education programs and the method by which the Department of Public Instruction distributes the state grant program funds; and

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

Filed March 26, 1991

## CHAPTER 840

SENATE CONCURRENT RESOLUTION NO. 4035  
(Senators Nalewaja, Heinrich)  
(Representatives Gates, Carlson)

### ADULT LITERACY PROGRAM STUDY

A concurrent resolution directing the Legislative Council to study the provision and funding of adult literacy programs.

WHEREAS, 53,000 North Dakota adults are considered functionally illiterate; and

WHEREAS, the people of our state recognize that the ability and opportunity to read are of fundamental importance to all people; and

WHEREAS, this democracy was founded by, and is now dependent upon, a literate, informed society; and

WHEREAS, President George Bush and the National Governors' Association have established a national goal that by the year 2000 every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and

WHEREAS, illiteracy has a significant impact on worker productivity and our economy; and

WHEREAS, changing technology in the workplace requires more sophisticated reading, reasoning, and technical skills; and

WHEREAS, illiteracy results in unemployment, social welfare costs, and a weakness in efforts to strengthen the state's economic base; and

WHEREAS, all North Dakotans should be offered an opportunity to gain the ability to read at any age;

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

That the Legislative Council study the provision of adult literacy programs in North Dakota and methods of funding adult literacy programs and 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 26, 1991

## CHAPTER 841

SENATE CONCURRENT RESOLUTION NO. 4036  
(Senators Graba, Schoenwald)  
(Representative Oban)

### **WORKERS COMPENSATION BUREAU STUDY**

A concurrent resolution directing the Legislative Council to study the structure, organization or consolidation with Job Service North Dakota, and administration of the Workers Compensation Bureau, including the qualifications of the bureau's claims analysts and rehabilitation staff.

WHEREAS, the North Dakota workers' compensation law is designed to provide sure and certain relief to employees injured in the course of their employment; and

WHEREAS, premium income has been significantly less than fund expenditures in recent years and fund equity has been greatly reduced; and

WHEREAS, the dramatic increase in the costs of providing workers' compensation and in the complexity of litigation involving the bureau in the last 10 years as well as the depleted nature of the workers' compensation fund may jeopardize the ability of the bureau to provide compensation to injured employees; and

WHEREAS, the bureau's claims analysts and rehabilitation staff should be qualified and adequately trained so as to provide consistent claims administration and rehabilitation programs; and

WHEREAS, a number of plans to reorganize or restructure the bureau have been proposed; and

WHEREAS, insufficient data is available to make reasoned and informed decisions concerning major changes in the structure and organization of the bureau, claims adjudication, benefits, premiums, and other matters that may affect the solvency of the fund;

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

That the Legislative Council study the structure, organization or consolidation with Job Service North Dakota, and administration of the Workers Compensation Bureau, including the qualifications of the bureau's claims analysts and rehabilitation staff; 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 842

SENATE CONCURRENT RESOLUTION NO. 4037  
(Robinson)

### FIRE DISTRICT AID STUDY

A concurrent resolution directing the Legislative Council to study all aspects of state aid to local fire departments and districts.

WHEREAS, the efficient and capable delivery of fire protection services to this state's citizens is dependent upon adequate and predictable financial support; and

WHEREAS, an adequate and equitable system for determining state aid to help finance the cost of local fire protection is critical to the protection of citizens and their property; and

WHEREAS, state aid distributions to local fire departments and districts are determined on the basis of insurance premiums and appropriated from the reserves of the state fire and tornado fund; and

WHEREAS, a study is needed of methods of determining payments to fire protection districts, the level of statewide funding, the ability to anticipate revenues at the local level, changes in levels of insurance purchased in rural districts, consistency of payments received, and how existing reporting and payment distribution processes work in practice;

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

That the Legislative Council study the method of providing and determining state aid to local fire departments and districts and place particular emphasis on the reliability and consistency of revenues distributed; 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 28, 1991

## CHAPTER 843

SENATE CONCURRENT RESOLUTION NO. 4038  
(Senators Heigaard, Nelson)  
(Representatives Kloubec, Schneider)

### WATER DEVELOPMENT FUNDING STUDY

A concurrent resolution directing the Legislative Council to investigate and recommend a program or programs for funding and financing water resource development throughout the state.

WHEREAS, many areas within the state do not have adequate supplies of good quality water for municipal and domestic uses, or for irrigation, industry, recreation, wildlife, or other uses; and

WHEREAS, adequate supplies of good quality water are essential for the social and economic stability of the citizens of the state; and

WHEREAS, development of programs and projects to meet current and future water needs for the benefit of the citizens of North Dakota is a matter of highest need and priority; and

WHEREAS, North Dakota must undertake and complete several major water initiatives to preserve a strong economic base and quality of life, including the Southwest Pipeline, Northwest Water Supply, Souris River Flood Control, Devils Lake Stabilization, Sheyenne River Flood Control, and other projects and programs throughout the state; and

WHEREAS, it may be necessary for the state to play a greater role in the development, construction and funding of its highest priority water distribution system, the Garrison Diversion Project, to provide the necessary supply and distribution of Missouri River water to water short areas in North Dakota; and

WHEREAS, water development and water management are critical to develop and sustain a strong economic base and quality of life; and

WHEREAS, there is a need to establish adequate funding or financing capabilities to meet critical needs for water facilities and programs now and in the future;

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

That the Legislative Council is hereby directed and authorized to study methods that could be used to fund and finance critical water projects and programs, including construction of facilities; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to utilize the services of a citizens advisory committee consisting of

appropriate citizens and state officials to be selected by the chairman of the interim committee charged with 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 Legislative Assembly at the appropriate time.

Filed March 26, 1991

## CHAPTER 844

SENATE CONCURRENT RESOLUTION NO. 4039  
(Tallackson, Nelson)

### **WATER RIGHTS AND PERMITTING STUDY**

A concurrent resolution directing the Legislative Council to study the priority of water rights and North Dakota's water permitting process.

WHEREAS, a clean, adequate, and dependable supply of water is essential to the health, welfare, and general well-being of all citizens of North Dakota; and

WHEREAS, future economic development in this state requires the availability of clean, adequate, and dependable supplies of water while ensuring the availability of water for domestic consumption; and

WHEREAS, the prior appropriation doctrine may protect older and lesser water uses and thus not put water to its highest and most beneficial use; and

WHEREAS, Senate Bill No. 2283, which was not enacted by the Fifty-second Legislative Assembly of North Dakota, would have established the following order of priority for water rights acquired after its effective date: (1) domestic use; (2) municipal use; (3) livestock use; (4) irrigation use; (5) industrial use; and (6) fish, wildlife, and recreation use;

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

That the Legislative Council study the priority of water rights and North Dakota's water permitting process; 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 26, 1991

## CHAPTER 845

SENATE CONCURRENT RESOLUTION NO. 4040  
(Maxson, Stenehjem)

### ADMINISTRATIVE HEARINGS STUDY

A concurrent resolution directing the Legislative Council to study the conduct of administrative hearings by state agencies.

WHEREAS, the Administrative Agencies Practice Act, chapter 28-32, provides for, besides administrative agency rulemaking procedures, administrative agency hearing practices and procedures, as well as methods of appealing administrative agency orders; and

WHEREAS, it is the purpose of the Administrative Agencies Practice Act to standardize administrative agency hearing practices and procedures for all administrative agencies; and

WHEREAS, there are state agencies, or parts thereof, not subject to and not required to follow the hearing practices and procedures provisions of chapter 28-32; and

WHEREAS, there are state agencies, or parts thereof, that are not required to use independent hearings officers to preside over administrative hearings; and

WHEREAS, certain efficiencies and fairness may be accomplished by requiring all state agencies to follow chapter 28-32 in regard to its hearing practices and procedures provisions and by requiring all state agencies to use independent hearings officers to preside over administrative agency hearings;

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

That the Legislative Council is directed to conduct a study of the application of the chapter 28-32 administrative agency hearing practices and procedures provisions to all state agencies, boards, bureaus, and commissions, including agencies or departments under the administration of elected officials, whether any agency, board, bureau, or commission should be exempted from the hearing practices and procedures provisions of chapter 28-32, whether independent hearings officers ought to preside over all state administrative hearings, and whether an office of administrative hearings as a separate executive branch agency ought to be established. All agencies, boards, bureaus, and commissions, including elected officials, shall cooperate with the Legislative Council in 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 28, 1991

## CHAPTER 846

SENATE CONCURRENT RESOLUTION NO. 4041  
(Senators Krebsbach, Lindgren)  
(Representative Porter)

### TAX PREFERENCES STUDY

A concurrent resolution directing the Legislative Council to study tax preferences under existing law, with emphasis on prevention of unfair competitive advantages to entities receiving tax preferences.

WHEREAS, many provisions of law allow tax preferences for various worthy purposes including charitable, educational, medical, healthcare, agricultural, industrial, and other purposes; and

WHEREAS, in changing economic and other circumstances an entity that receives a tax preference may come into direct business competition with a private concern that does business without benefit of a tax preference; and

WHEREAS, it is incumbent upon the Legislative Assembly to assure that tax preferences that have been granted in the past continue to accomplish the purposes for which they were granted and do not operate to provide a competitive advantage in situations that were not anticipated at the time the tax preferences were created;

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

That the Legislative Council study the tax preferences allowed under existing law with emphasis on preferences under sales and use, income, and property taxes, to the end that unfair competitive advantages are eliminated in situations in which otherwise exempt activities come into direct competition with private business concerns; 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 3, 1991

**CHAPTER 847****SENATE CONCURRENT RESOLUTION NO. 4042  
(Maxson)****LAW ENFORCEMENT AND REGULATORY STUDY**

A concurrent resolution directing the Legislative Council to study law enforcement and regulatory activities in the state of North Dakota.

WHEREAS, the function of law enforcement is of primary concern to the people of North Dakota; and

WHEREAS, at present the authority and responsibility for law enforcement and regulatory activities at the state level is dispersed among various departments and agencies, including the State Highway Patrol, State Radio Communications, Bureau of Criminal Investigation, State Fire Marshal, Department of Corrections, and Division of Emergency Management; and

WHEREAS, it is recognized that such divergence of authority and responsibility may lend itself to duplication in efforts among the state departments and agencies and local law enforcement officials; and

WHEREAS, throughout the years there have been several legislative proposals concerning the organization, functions, and duties of the various law enforcement and regulatory agencies; and

WHEREAS, there are many who believe that creation of a department of public safety would best serve the interests of the state for providing the most efficient and economical enforcement in regulatory services;

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

That the Legislative Council study law enforcement and regulatory activities in the state of North Dakota and consider the feasibility of the creation of a department of public safety; 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 3, 1991

## CHAPTER 848

SENATE CONCURRENT RESOLUTION NO. 4043  
(Senators Stenehjem, Maxson)  
(Representatives Clayburgh, Kretschmar)

### COURT CONSOLIDATION MONITORING STUDY

A concurrent resolution directing the Legislative Council to review and monitor the implementation of legislation establishing a single trial court of general jurisdiction.

WHEREAS, the people of North Dakota in 1976 approved a new Judicial Article of the Constitution of North Dakota establishing a unified judicial system consisting of a supreme court, a district court, and such other courts as may be provided by law; and

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

WHEREAS, the 1991 Legislative Assembly considered further unification of the judicial system, enacting House Bills No. 1516 and 1517 which provide a transition process for establishing a single trial court of general jurisdiction through the abolition of county courts and the provision for additional district court judgeships, with reduction in the total number of judges to meet a numerical goal set by the Legislative Assembly; and

WHEREAS, it is imperative that the implementation of this legislation be monitored by the legislative branch to ensure that a unified, consolidated court system is accomplished;

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

That the Legislative Council review and monitor the implementation of 1991 House Bills No. 1516 and 1517 during the 1991-92, 1993-94, and 1995-96 interims in order to determine and ensure that a unified, consolidated court system is accomplished; 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, Fifty-fourth, and Fifty-fifth Legislative Assemblies.

Filed March 26, 1991

**CHAPTER 849****SENATE CONCURRENT RESOLUTION NO. 4044  
(Kelsh)****CREDITOR REMEDY STUDY**

A concurrent resolution directing the Legislative Council to study court cases and state law regarding claim and delivery, as well as attachment.

WHEREAS, each party in a debtor-creditor relationship has basic rights to the property securing the debt; and

WHEREAS, one remedy available to a creditor is to claim the immediate delivery of the personal property involved; and

WHEREAS, North Dakota Century Code chapter 32-07, relating to claim and delivery, has remained virtually unchanged since original adoption of this remedy by the Territorial Legislature in 1877; and

WHEREAS, another remedy to a creditor is to attach the property involved; and

WHEREAS, North Dakota law governing attachment was originally enacted in 1877, declared unconstitutional in 1975, reenacted in 1977, declared unconstitutional in 1990, and is in the process of amendment by the 1991 Legislative Assembly through Senate Bill No. 2066; and

WHEREAS, these laws, which govern the repossession of personal property, should be reviewed to assure protection of the interests of the creditor and the debtor in light of recent court decisions and current commercial practices;

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

That the Legislative Council study court cases and state law regarding claim and delivery, as well as attachment; 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 28, 1991

## CHAPTER 850

### SENATE CONCURRENT RESOLUTION NO. 4045 (Graba, Nalewaja)

## **BUILDING CODE ADMINISTRATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating all building and construction code administration responsibilities under one authority.

WHEREAS, during the 1989-90 interim the Legislative Council's Political Subdivisions Committee conducted a study of administration of building and mechanical code enforcement at the state and local level; and

WHEREAS, the committee received testimony indicating that at least seven state agencies or departments administer various building or construction code enforcement responsibilities; and

WHEREAS, consolidation of all building and construction code responsibilities under one authority may result in greater building and construction code uniformity and result in cost savings for the state and for the building and construction industries;

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

That the Legislative Council study the feasibility and desirability of consolidating all building and construction code responsibilities under one authority; and

BE IT FURTHER RESOLVED, that the Legislative Council in carrying out this study consult with representatives from the North Dakota Building Officials Association, the North Dakota Association of Builders, the Associated General Contractors of North Dakota, the National Electrical Contractors Association, the North Dakota Apartment Association, the North Dakota Association of Counties, the North Dakota Association of Plumbing, Heating and Mechanical Contractors, the North Dakota Association of Realtors, the North Dakota Building Construction Trade Council, the North Dakota Building Trades, the North Dakota Chapter of the American Institute of Architects, the North Dakota Consulting Engineers Council, Inc., the North Dakota Electrical Workers Council, the North Dakota Land Improvement Contractors, the North Dakota League of Cities, the North Dakota Manufactured Housing Association, the North Dakota Minority Contractors Association, the North Dakota Society of Professional Engineers, the North Dakota Society of Professional Land Surveyors, the North Dakota State Boiler Inspector, the North Dakota State Electrical Board, the North Dakota State Plumbing Board, the State Fire Marshal, the Systems Builders Association, Dakota Chapter, and other building and construction industry representatives; 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 3, 1991

## CHAPTER 851

SENATE CONCURRENT RESOLUTION NO. 4046  
(Kelsh, Marks, Kinnoin, Langley, Freborg)

### PEST MANAGEMENT INTEGRATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an integrated pest management law.

WHEREAS, pests come in many forms, and various laws provide for the control of insects, nematodes, diseases, weeds, animals, and birds; and

WHEREAS, pests can be detrimental to crop production, livestock production, and stored grains, as well as to the welfare of persons residing in the area where pests are found; and

WHEREAS, control or eradication of pests may best be accomplished through coordinated efforts of entities such as integrated pest management districts; and

WHEREAS, Senate Bill No. 2224, which would have provided for integrated pest management districts, failed to pass the Senate of the Fifty-second Legislative Assembly;

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

That the Legislative Council study the feasibility and desirability of adopting an integrated pest management law; 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 28, 1991

## CHAPTER 852

SENATE CONCURRENT RESOLUTION NO. 4047  
(Senators Wogsland, Evanson)  
(Representatives Rydell, Meyer)

### HOSPITAL ACCESS TO CAPITAL STUDY

A concurrent resolution directing the Legislative Council to study the availability of capital to North Dakota hospitals and the role of the Bank of North Dakota in assuring that capital is available at the lowest possible cost.

WHEREAS, small, medium, and large hospitals require access to capital in order to maintain equipment and facilities in accordance with state and federal standards; and

WHEREAS, local capital sources are often limited, unavailable, or available but only at a significantly higher cost than regional or national sources; and

WHEREAS, the cost of capital plays a significant role in the financial viability of North Dakota hospitals; and

WHEREAS, a hospital is often the largest employer in a geographic area and the financial viability of a hospital directly affects the financial viability of the entire area; and

WHEREAS, it is in the interest of all North Dakotans that capital be available to hospitals at the lowest possible cost;

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

That the Legislative Council study the availability and cost of capital to North Dakota hospitals and the role of the Bank of North Dakota in assuring the availability of necessary capital at the lowest possible cost; 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 26, 1991

## CHAPTER 853

SENATE CONCURRENT RESOLUTION NO. 4048  
(Senators Nalewaja, Tennefos, DeKrey)  
(Representatives Larson, D. Olsen)

### NURSING HOME INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study means of providing incentives for individuals to obtain long-term care insurance.

WHEREAS, the cost to the state of maintaining individuals in nursing homes continues to grow and is currently estimated to cost the state well over \$100 million for the 1991-93 biennium; and

WHEREAS, a significant opportunity to reduce costs to the state of maintaining individuals in nursing homes exists in the purchase by individuals of lifetime long-term care insurance coverage; and

WHEREAS, it would benefit the state and its residents if incentives can be found to encourage individuals to purchase and maintain lifetime long-term care insurance coverage; and

WHEREAS, legislation in Congress may provide federal incentives for individuals to maintain lifetime long-term care insurance coverage and detailed study of this issue should be conducted at the state level to determine the potential benefits of incentives for purchase of lifetime long-term care insurance coverage;

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

That the Legislative Council study the desirability and feasibility of providing incentives in the form of income tax credits or other methods to encourage individuals to obtain lifetime long-term care insurance coverage, with the goal of reducing the costs to state government of maintaining individuals in nursing homes or of providing for home health care or basic care; 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 854

### SENATE CONCURRENT RESOLUTION NO. 4049 (Naaden, Nething)

#### **INVESTMENT BOARD INVESTMENT STUDY**

A concurrent resolution directing the Legislative Council to study investment of funds under the control of the State Investment Board.

WHEREAS, the State Investment Board is responsible for investment of funds of over \$1 billion in value; and

WHEREAS, the investment of funds by the State Investment Board is principally in out-of-state investments, with resulting benefits to out-of-state interests; and

WHEREAS, the possibility of investing funds under the control of the State Investment Board within the state of North Dakota should be investigated to determine the present level of investment within this state and whether the state would be better served by resulting economic development in this state if a greater portion of state investment funds were invested in this state provided the in-state investments yield an equal or better return for the State Investment Board;

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

That the Legislative Council conduct a study of the feasibility and desirability of increased investment of State Investment Board funds within this state to promote economic development; and

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

Filed March 28, 1991

## CHAPTER 855

SENATE CONCURRENT RESOLUTION NO. 4050  
(Kelly, Lindgren, Mushik, Thane)

### CHILD SUPPORT FEDERAL INCENTIVE STUDY

A concurrent resolution directing the Legislative Council to study the distribution of child support enforcement incentive payments made by the federal government.

WHEREAS, the Office of Child Support Enforcement of the United States Department of Health and Human Services provides incentive payments to the states based on the efficiency and effectiveness of state and local child support enforcement programs; and

WHEREAS, the North Dakota Department of Human Services retains 25 percent of federal incentive payments to defray costs of administering the statewide program and 75 percent of the incentive payments are distributed to the counties; and

WHEREAS, alternative methods of distributing the incentive payments should be considered to determine whether the current method is equitable and appropriate;

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

That the Legislative Council study the present method of distribution of federal incentive payments for child support enforcement and the possibility that all payments could be distributed to the counties and regional child support enforcement units;

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 26, 1991

## CHAPTER 856

SENATE CONCURRENT RESOLUTION NO. 4051  
(Senators Kelly, Schoenwald)  
(Representatives Gabrielson, DeMers)

### STATEWIDE INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of providing basic statewide health and work-related accident insurance to all North Dakota workers and their dependents.

WHEREAS, all North Dakota workers and their dependents deserve to have access to basic health and work-related accident insurance; and

WHEREAS, by incorporating a large number of subscribers in a risk pool, the insurance premiums could be kept affordable for public and private entities, as well as individuals, and even result in a reduced expenditure of tax dollars by political subdivisions; and

WHEREAS, a subscriber's premium payments could be set in accordance with the risk involved in the subscriber's employment; and

WHEREAS, a subscriber's premium payments could be adjusted according to the subscriber's income;

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

That the Legislative Council study the feasibility of providing basic health and work-related accident insurance to all North Dakota workers and their dependents, review the scope of existing state plans and the feasibility of expanding those plans as well as incorporating coverage for rehabilitation and job training, and explore the availability of federal dollars for the initiation of a pilot project; 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 26, 1991

## CHAPTER 857

SENATE CONCURRENT RESOLUTION NO. 4052  
(Senators Mushik, Stenehjem)  
(Representatives DeMers, Rydell, Schneider)

### FOSTER HOME FIRE AND SAFETY CODE STUDY

A concurrent resolution directing the Legislative Council to study North Dakota family foster home fire and safety codes.

WHEREAS, there is a growing need for family foster homes for youth; and

WHEREAS, restrictive fire codes keep certain foster homes from being licensed; and

WHEREAS, the lack of uniformity in adoption of, and interpretation of, the state fire and safety standards keeps certain family foster homes from being licensed or relicensed; and

WHEREAS, the lack of family foster homes causes the unnecessary placement of some youth in group or restrictive residential homes at a greater cost per placement; and

WHEREAS, the Child Assistance and Child Welfare Act of 1980 (Pub. L. 96-272) states "to encourage family reunification, a state must attempt to place a child in close proximity to the family and in the least restrictive setting"; and

WHEREAS, the North Dakota Department of Human Services held a public hearing on December 16, 1988, on fire and safety inspections for family foster care, but has yet to develop and implement new standardized procedures for licensing foster homes for youth;

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

That the Legislative Council study and analyze North Dakota fire and safety codes and regulations relating to the licensure of family foster homes to resolve inconsistencies among North Dakota regions in fire and safety inspections, with an emphasis on the evaluation of fire and safety code restrictions; 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 26, 1991

## CHAPTER 858

SENATE CONCURRENT RESOLUTION NO. 4053  
(Senators Stenehjem, Lindgren, Nalewaja)  
(Representatives Kelsch, Price, St. Aubyn)

### DEPENDENCY TREATMENT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons.

WHEREAS, the North Dakota 2000 Committee recommended that state government functions be examined for possible privatization; and

WHEREAS, one of the premises underlying privatization is that, because of competition, private firms are compelled to provide goods and services for less cost and in a more efficient manner than government agencies; and

WHEREAS, licensed firms are available to contract for many of the services that the Department of Human Services is required to provide for the treatment of alcohol and drug dependent persons under North Dakota Century Code Chapter 54-38; and

WHEREAS, it has been argued by some that the Department of Human Services may have established facilities and programs in the treatment of alcoholics and drug dependent persons without fully exploring the feasibility and desirability of contracting with existing private agencies for education, research, casework, institutional and medical facilities, personnel, and services by private agencies, and without determining whether the department is competing unnecessarily and unfairly with the private sector, and without considering the quality of care provided by government and the private sector;

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

That the Legislative Council study the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons; and

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

Filed March 28, 1991

## CHAPTER 859

### SENATE CONCURRENT RESOLUTION NO. 4055 (Satrom)

#### STATE COMPENSATION STUDY

A concurrent resolution directing the Legislative Council to study state institution and agency pay practices.

WHEREAS, the state of North Dakota does not have a compensation plan offering state employees long-term career opportunities; and

WHEREAS, the development of an acceptable compensation plan by the Legislative Assembly would encourage persons to seek employment with the state of North Dakota; and

WHEREAS, current promotions and advancements are generally funded within the limits of average salary increases or moneys resulting from unexpected terminations which limits state agencies and institutions in providing increases to rapidly advancing highly skilled personnel; and

WHEREAS, although state employees may prefer to continue employment with their present agency, salary advancement may only be possible for those employees if they seek employment with other state agencies and institutions; and

WHEREAS, state agencies and institutions have encountered a drop in the number of persons interested in state employment in entry level positions, particularly in managerial and professional fields; and

WHEREAS, the lack of resources to fund compensation increases for persons during their early years of state employment when their value is increasing at a more rapid rate than available funding results in costly turnover problems for state agencies and institutions;

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

That the Legislative Council study the state's compensation plan to develop recommendations to the next Legislative Assembly for the development of a long-term compensation plan which offers incentives to persons to work for the state of North Dakota; and

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

Filed March 28, 1991

## CHAPTER 860

SENATE CONCURRENT RESOLUTION NO. 4056  
(Kelsh, Dotzenrod)

### **AGRICULTURAL COMMODITY SALE STUDY**

A concurrent resolution directing the Legislative Council to study problems relating to the sale of agricultural commodities.

WHEREAS, presently a wide variety of contracts are made available to farmers and ranchers to provide a measure of income assurance and stability; and

WHEREAS, agricultural contracting is likely to expand due to the provisions of the 1990 farm bill and increased emphasis on agricultural diversification and specialty crops; and

WHEREAS, the perishable nature of agricultural commodities, the vulnerable financial position of many farmers, and the difficulty faced by farmers in assessing the financial strength of buyers can create risks for farmers who engage in agricultural contracting;

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

That the Legislative Council study the present contracts available to North Dakota farmers and ranchers and address potential risks contained in current contracting practices as well as laws and bills from other states affecting agricultural contracting; 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 28, 1991

## CHAPTER 861

SENATE CONCURRENT RESOLUTION NO. 4057  
(Committee on Appropriations)

### **BASIC CARE PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a basic care program.

WHEREAS, currently counties provide optional supplementation and general assistance payments for needy individuals residing in basic care facilities; and

WHEREAS, the state of North Dakota has provided state matching of those payments, prior to budget reductions during the 1989-91 biennium; and

WHEREAS, a detailed study needs to be conducted to review the feasibility and desirability of establishing a state basic care program, including services to be funded and appropriate state, county, and federal financial responsibilities;

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

That the Legislative Council study the feasibility and desirability of establishing a state basic care program, including definition of services to be provided and appropriate state, county, and federal financial responsibilities; and

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

Filed April 4, 1991

## CHAPTER 862

SENATE CONCURRENT RESOLUTION NO. 4058  
(Jerome)  
(Approved by the Committee on Delayed Bills)

### TRIBAL MISDEMEANOR JURISDICTION URGED

A concurrent resolution urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and to review the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

WHEREAS, the Supreme Court of the United States, in Duro v. Reina, 110 S.Ct. 2053 (1990), has reversed 200 years of the exercise by Indian tribes of criminal misdemeanor jurisdiction over all Indians residing on their reservations by ruling that each tribe retains such powers only over Indians enrolled in their respective tribe; and

WHEREAS, this ruling displays a lack of understanding of the reality, history, and demographics of Indian country including the fact that there are tens of thousands of Indians living on reservations who are not enrolled at that given reservation; and

WHEREAS, a nonenrolled Indian may have lived on a reservation for all of his or her life, have intermarried with a member who is enrolled, have had children with the enrolled member, and may own property on the reservation; and

WHEREAS, such a nonenrolled Indian is eligible for federal programs for which any Indian would be eligible; and

WHEREAS, for purposes of law enforcement, tribes have never distinguished between enrolled and nonenrolled Indians; and

WHEREAS, the state of North Dakota does not have the funding available to hire the extra police, investigators, prosecutors, and judges or to build the jails that would be necessary to prosecute misdemeanor crimes by Indians within the boundaries of Indian reservations and may not be able to successfully assert jurisdiction even if such funds were available; and

WHEREAS, the nontaxable status of reservation trust lands combined with the relative poverty of most Indian people do not offer any opportunity to raise the additional revenue that would be required to take over such a large job if jurisdiction were established; and

WHEREAS, the Court indicated that it is the responsibility of the Congress to address any void in jurisdiction that may result from this ruling; and

WHEREAS, the Indian Civil Rights Act should be reviewed to ensure that its goals will be met;

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

That the North Dakota Legislative Assembly commends the Congress of the United States for passing Section 8077 (b) and (c) of Public Law No. 101-511 (signed by the President on November 5, 1990), which temporarily affirmed that tribes do retain criminal misdemeanor jurisdiction over all Indians in Indian country and does hereby urge the Congress of the United States to make this provision of Public Law No. 101-511 permanent law; and

BE IT FURTHER RESOLVED, that the North Dakota Legislative Assembly joins the tribes of North Dakota by formally requesting that the North Dakota Congressional Delegation and the United States Senate Select Committee on Indian Affairs support federal legislation confirming that tribal governments have the authority to maintain criminal jurisdiction over nonenrolled and nonmember Indians who commit criminal acts within the external boundaries of reservations and upon lands of the tribes; and

BE IT FURTHER RESOLVED, that the North Dakota Congressional Delegation support review of the Indian Civil Rights Act to ensure that its goals are accomplished; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the North Dakota Congressional Delegation, the United States Senate Select Committee on Indian Affairs, and the respective tribes of North Dakota.

Filed April 10, 1991

## CHAPTER 863

SENATE CONCURRENT RESOLUTION NO. 4059  
(Peterson)  
(Approved by the Committee on Delayed Bills)

### PHYSICAL EDUCATION PROGRAM QUALITY

A concurrent resolution urging that a high quality physical education program be provided to each North Dakota student from kindergarten through grade 12.

WHEREAS, physical education is essential to the development of growing children; and

WHEREAS, physical education increases children's mental alertness, academic performance, readiness to learn, and enthusiasm for learning; and

WHEREAS, physical education helps improve the self-esteem, interpersonal relationships, responsible behavior, and independence of children; and

WHEREAS, physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength, power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time; and

WHEREAS, children who participate in high quality physical education programs tend to be healthier and more physically fit; and

WHEREAS, physically fit adults have significantly reduced risk factors for heart attacks and strokes; and

WHEREAS, the Surgeon General in "Objectives for the Nation" recommended increasing the number of school-mandated physical education programs that focus on health-related physical fitness; and

WHEREAS, the Secretary of Education in "First Lessons - A Report on Elementary Education in America" recognized that elementary schools have a special mandate to provide elementary school children with the knowledge, habits, and attitudes that will equip the children for a fit and healthy life; and

WHEREAS, the North Dakota Department of Public Instruction, in cooperation with the North Dakota Alliance of Health, Physical Education, Recreation, and Dance produced the "Guidelines for Physical Education" for use in the development of quality physical education programs;

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

That the Fifty-second Legislative Assembly urges the cooperation of state and local governmental entities, as well as the private sector, in ensuring that a high quality physical education program is provided to each North Dakota student from kindergarten through grade 12; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Superintendent of Public Instruction.

Filed March 28, 1991

## CHAPTER 864

SENATE CONCURRENT RESOLUTION NO. 4060  
(Keller, Freborg)  
(Approved by the Committee on Delayed Bills)

### **GLENHAROLD MINE**

A concurrent resolution urging the United States Department of the Interior's Bureau of Land Management and the North Dakota Congressional Delegation to take action to allow mining of the maximum amount of coal available from the Glenharold mine in west central North Dakota.

WHEREAS, the Glenharold coal mine in west central North Dakota has produced coal from surface mining operations for over 20 years in compliance with applicable state and federal laws, including a progressive program of land reclamation; and

WHEREAS, the Glenharold mine was originally projected to produce coal until 1995 but, due a decision of the United States Department of the Interior's Bureau of Land Management, the mine will now have to cease production in 1993; and

WHEREAS, closure of the mine will leave over five million tons of coal in the ground that could be mined and which will probably never be recovered, resulting in a regrettable waste of a precious resource; and

WHEREAS, failure to mine five million tons of available coal would result in coal severance tax revenue losses of \$2,437,500 to the state of North Dakota, \$525,000 to Mercer County, \$393,750 to cities in Mercer County, \$393,750 to school districts in Mercer County, and \$100,000 to the North Dakota Lignite Research Fund; and

WHEREAS, closure of the Glenharold mine would end the employment of the mine's 105 employees, for whom the annual payroll is \$4,600,000, and because each dollar of lignite industry payroll generates an additional three dollars to North Dakota's economy, the state's economy would be negatively impacted in the approximate amount of \$18,400,000 per year by early closure of the mine; and

WHEREAS, an agreement by the Bureau of Land Management to accept an eight percent royalty on the remaining coal at the Glenharold mine, rather than the standard 12.5 percent royalty, would allow the recovery of over five million tons of coal that will otherwise be unused; and

WHEREAS, when the Bureau of Land Management could obtain an eight percent royalty on over five million tons of coal as compared to receiving no royalty and when our nation's precious resources would be more efficiently used by allowing the mining of the available coal before completion of reclamation of the land, it seems very short-sighted that the Bureau of Land Management has denied the request of the mine operator for a reduced royalty; and

WHEREAS, if the Bureau of Land Management does not reverse this decision, the North Dakota Congressional Delegation should seek congressional resolution of this issue to allow mining of the available coal to avoid loss of federal, state, and political subdivision revenue and waste of a valuable natural resource;

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

That the Fifty-second Legislative Assembly of North Dakota urges the United States Department of the Interior's Bureau of Land Management to reconsider its action denying a royalty rate reduction for operation of the Glenharold mine in North Dakota and urges the North Dakota Congressional Delegation to do whatever is necessary to resolve this matter successfully or to introduce legislation in Congress to allow mining of the available coal at the Glenharold mine before the mine is closed and the land is reclaimed; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States House of Representatives and Senate, the Secretary of the United States Department of Interior, the Washington, D. C. office and the Montana state office of the Bureau of Land Management, and each member of the North Dakota Congressional Delegation.

Filed March 28, 1991

## CHAPTER 865

SENATE CONCURRENT RESOLUTION NO. 4061  
(Freborg)  
(Approved by the Committee on Delayed Bills)

### **CHILD SEXUAL ABUSE OFFENDERS STUDY**

A concurrent resolution directing the Legislative Council to study the investigation, prosecution, and treatment of offenders in child sexual abuse cases.

WHEREAS, child abuse and neglect reports increased from 767 cases in 1976 to 3,626 reports in 1990, an increase of 473 percent; and

WHEREAS, the average age of a child in those cases where a probable cause determination was made that abuse or neglect occurred, was seven and eight-tenths years; and

WHEREAS, special skills are necessary to effectively investigate and prosecute cases where children are the victims of or witnesses to crime; and

WHEREAS, in a typical case where children are the victims of or witnesses to crime, several months may elapse between the time of the report to authorities and the time of trial; and

WHEREAS, it is in the best interests of children that such proceedings be handled as expeditiously as possible; and

WHEREAS, treatment options for offenders in child sexual abuse cases are extremely limited in North Dakota, yet are crucial for the protection of children;

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

That the Legislative Council study the need for establishing and funding a team of professionals to investigate and prosecute child sexual abuse cases, study laws designed to expedite the prosecution of child sexual abuse cases, and study the need for programs and facilities designed for the treatment of child sexual abuse offenders and child abuse victims; 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 866

SENATE CONCURRENT RESOLUTION NO. 4062  
(Senators Freborg, Keller, Bowman)  
(Representatives Whalen, Delzer, Bodine)  
(Approved by the Committee on Delayed Bills)

### FEDERAL LIGNITE ROYALTY

A concurrent resolution urging the United States Congress to pass legislation giving the United States Secretary of the Interior the authority to establish a reduced royalty rate on low-Btu federal lignite with a heating value below 7,500 Btus per pound.

WHEREAS, North Dakota has 35 billion tons of recoverable low-Btu lignite reserves and mines approximately 30 million tons of lignite annually; and

WHEREAS, approximately 25 percent of North Dakota's lignite reserves are under federal ownership; and

WHEREAS, the lignite industry provides North Dakota with 18,000 jobs, \$1.2 billion in business activity, and more than \$60 million in tax revenue annually; and

WHEREAS, North Dakota's lignite resources offer the state the potential for future economic development, increased jobs, and additional tax revenue; and

WHEREAS, the current federal coal royalty rate fails to take into account differences in coal quality and mining costs, which places lignite at a competitive disadvantage; and

WHEREAS, the current federal coal royalty has caused mine operators in North Dakota to defer development of millions of tons of federal lignite and the actual bypass of over six million tons of federal lignite, resulting in lost revenue to state and federal governments; and

WHEREAS, mining operations at the Glenharold Mine near Stanton, North Dakota, will end two years earlier than planned and bypass five million federal tons of lignite because the United States Department of the Interior has denied requests to reduce the royalty on federal lignite at the mine under the guidelines set forth in Section 39 of the Mineral Leasing Act; and

WHEREAS, the state of North Dakota through its Board of University and School Lands has granted reduced royalties on state-owned lignite to a level closer to the royalty paid for privately owned lignite mined in North Dakota; and

WHEREAS, a reduced royalty on federal lignite would provide for more efficient recovery of North Dakota's lignite reserves and improve the market competitiveness of lignite;

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

That the Fifty-second Legislative Assembly of North Dakota urges the Congress of the United States to pass legislation authorizing the United States Secretary of the Interior to establish a reduced coal royalty rate for federal lignite that has a heating value below 7,500 Btus per pound; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the United States President; the Director of the United States Office of Management and Budget; the United States Secretary of the Interior; the Director of the Bureau of Land Management; the chairmen and members of the Senate Energy and Natural Resources Committee, Senate Environment and Public Works Committee, and the House Interior and Insular Affairs Committee; and to each member of the North Dakota Congressional Delegation.

Filed March 28, 1991

## CHAPTER 867

SENATE CONCURRENT RESOLUTION NO. 4063

(Senators Thane, Dotzenrod)

(Representative Peterson)

(Approved by the Committee on Delayed Bills)

### BAGG BONANZA FARM SUPPORT

A concurrent resolution urging certain state agencies to provide support and assistance in developing the Bagg Bonanza Farm historic site.

WHEREAS, bonanza farms were vital in the settlement of Dakota Territory and the Bagg Bonanza Farm, at Mooreton, North Dakota, retains the most historical integrity of the few remaining bonanza farms; and

WHEREAS, the Bagg Bonanza Farm is listed on the North Dakota and federal historic sites registries; and

WHEREAS, the Bagg Bonanza Farm is developing an agricultural interpretive center to promote rural economic growth; and

WHEREAS, the Bagg Bonanza Farm Historic Preservation Society is restoring the 24 buildings on the original 17-acre farmsite so that tourists can view the restored portions and observe the continuing progress in restoring the site; and

WHEREAS, the Bagg Bonanza Farm, located near the intersection of Interstate 29 and North Dakota Highway 13, has attracted 5,000 visitors since its September 1990 opening; and

WHEREAS, progress on the project to date is due to cooperative efforts of community members, businesses, corporations, organizations, and county, state, and federal agencies; and

WHEREAS, the Bagg Bonanza Farm Historic Preservation Society's goal is to showcase a 1920s Bonanza Farm, as a living historical, educational, and interpretive center dedicated to preserving a portion of our past as a legacy for the future;

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

That state agencies involved in efforts to promote tourism, including the Tourism Department and the Department of Parks and Recreation, are urged to provide such support and assistance in the development of the Bagg Bonanza Farm project as they can within their budgetary limitations.

Filed March 28, 1991

## CHAPTER 868

SENATE CONCURRENT RESOLUTION NO. 4064  
(Senators Schoenwald, Krebsbach, Maxson, Redlin)  
(Representatives B. Anderson, Porter, Price, Snyder,  
Thorpe, Timm, Tollefson, Wentz)  
(Approved by the Committee on Delayed Bills)

### MINOT GYM DANDYS ACRO TEAM

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

WHEREAS, the Minot Gym Dandys Acro Team has achieved national prominence through performances in many parts of the United States before thousands of people at professional and amateur sporting events and is scheduled to appear in March at two National Basketball Association games in Los Angeles and one in Sacramento and at Sea World; and

WHEREAS, the enthusiastic and talented performances of the Minot Gym Dandys Acro Team make North Dakotans proud that this group is from our state and display one of the great virtues of our state in strong and healthy children; and

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

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

That the Minot Gym Dandys 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 Minot Gym Dandys Acro Team and their coach.

Filed March 14, 1991

## CHAPTER 869

SENATE CONCURRENT RESOLUTION NO. 4065  
(Nething, Marks)

### STATE HOSPITAL STUDY

A concurrent resolution directing the Legislative Council to study additional programs that could be implemented by the State Hospital and alternative uses for the facilities of the State Hospital.

WHEREAS, the North Dakota State Hospital in Jamestown is required to offer care and treatment to the mentally ill; and

WHEREAS, more treatment is being provided to the mentally ill through community-based programs and better medications are being used to treat mentally ill persons; and

WHEREAS, the use of community-based programs and better medications is resulting in a decreased need for inpatient treatment of the mentally ill at the State Hospital; and

WHEREAS, the facilities at the State Hospital may be available to implement alternative programs, including but not limited to, programs for adolescents, persons suffering from head injuries, chemical dependency, or acquired immune deficiency syndrome, or for use as a forensic hospital, in addition to continuing to provide services for the mentally ill; and

WHEREAS, alternative uses of the facilities of the State Hospital could result in expanded services for residents of North Dakota or contracted services to meet unmet regional or national needs that could result in additional revenue for the state;

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

That the Legislative Council study the decreasing admissions at the State Hospital and explore possible additional programs that could be administered by the State Hospital or alternative uses for the facilities of the State Hospital; 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 28, 1991

## CHAPTER 870

SENATE CONCURRENT RESOLUTION NO. 4066  
(Senators Mushik, Kelly)  
(Representatives Dalrymple, Larson)

### HUMAN SERVICES SYSTEM STUDY

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

WHEREAS, it is the stated mission of the Department of Human Services to provide or promote efficient and effective services to benefit identified vulnerable children, adolescents, adults, elderly, and families; and

WHEREAS, the demographics, economic needs, and program needs of the state have changed since the current human services system of providing services was established; and

WHEREAS, the population of the state is developing into a population of older than average citizens; and

WHEREAS, the state has realized a decrease in federal funding, and a change in federal funding structures, while incurring a federally imposed obligation to provide an increasing number of programs and services; and

WHEREAS, the costs of these programs and services continue to escalate; and

WHEREAS, the current system may no longer be effective in providing services to identified vulnerable children, adolescents, adults, elderly, and families;

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

That the Legislative Council study the human services system, with special attention to the strengths and weaknesses of current health and income maintenance programs and related policies, the administrative structures in place at all levels, innovative, efficient funding proposals for paying the cost of implementing necessary changes as well as proposals for long-range financing of human service programs in light of the escalating costs of these programs, and the social protections necessary to benefit those in need, especially the isolated rural populations; 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 28, 1991

## CHAPTER 871

SENATE CONCURRENT RESOLUTION NO. 4067  
(Senator Yockim)  
(Representative Schmidt)

### **SUBROGATION AND ADDITIONAL INSURED STUDY**

A concurrent resolution directing the Legislative Council to study workers' compensation, insurance, and contract issues that may arise when an employer or insurer requires subrogation, additional insured coverage, or indemnification of an employee or contractor.

WHEREAS, it is apparently common practice in the oil industry that service contractors or employees are required by employers to carry insurance containing a waiver of subrogation clause and an additional insured clause and these requirements should be examined to determine the equity of such requirements; and

WHEREAS, indemnification requirements in contracts in the oil industry are commonly required and have been prohibited by law in Wyoming and perhaps other states; and

WHEREAS, subrogation, additional insured coverage, and indemnification requirements should be examined in light of North Dakota's workers' compensation laws and with consideration of equity for all parties involved to determine whether legislation is needed to regulate insurance and contracts in employer and employee or contractor arrangements;

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

That the Legislative Council study workers' compensation, insurance, and contract issues that arise in consideration of the equity of subrogation, additional insured, and indemnification requirements imposed upon contractors and employees in the oil industry and in other industries within 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 4, 1991

## CHAPTER 872

### SENATE CONCURRENT RESOLUTION NO. 4070

(Senators Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos)  
(Representatives R. Berg, Bernstein, Dorso, Gabrielson, Gorman,  
Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup)  
(Approved by the Committee on Delayed Bills)

## **BISON CLUB HOCKEY TEAM CONGRATULATED**

A concurrent resolution congratulating the North Dakota State University Bison club hockey team for winning the 1991 national collegiate club hockey tournament held at Tucson, Arizona.

WHEREAS, the North Dakota State University Bison club hockey team has completed seven full seasons of collegiate competition and has captured six national championships; and

WHEREAS, the North Dakota State University Bison club hockey team won the 1991 national collegiate club hockey tournament by winning four consecutive games against teams that were ranked higher than the Bison entering the tournament; and

WHEREAS, collegiate club hockey at North Dakota State University has become a huge success in the first seven full years of competition and the team's outstanding record and six national championships are accomplishments of which North Dakotans can be justifiably proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison club hockey team and their coach, Jeff Aikens; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the North Dakota State University Bison hockey club and team members, and to head coach Jeff Aikens.

Filed March 19, 1991

## CHAPTER 873

SENATE CONCURRENT RESOLUTION NO. 4071  
(Senators Dotzenrod, Thane)  
(Representatives Grumbo, Peterson, Hausauer)  
(Approved by the Committee on Delayed Bills)

### **KAYE BRAATEN CONGRATULATIONS**

A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

WHEREAS, Kaye Braaten was the first woman elected to the seat of county commissioner in North Dakota and has been a Richland County Commissioner since 1972; and

WHEREAS, Kaye Braaten has served her county well and was also the first woman to serve as president of the North Dakota County Commissioners Association; and

WHEREAS, Kaye Braaten then became involved with county government on the national level by serving on committees of the National Association of Counties; and

WHEREAS, Kaye Braaten was elected 3rd vice president of the National Association of Counties in 1988 and has moved up through the chairs, promoting good county government and representing counties in rural states; and

WHEREAS, Kaye Braaten will be inaugurated as president of the National Association of Counties on July 16, 1991, in Salt Lake City;

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

That the Senate and the House extend to Kaye Braaten their heartiest congratulations upon her election as president of the National Association of Counties; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Kaye Braaten and to the National Association of Counties.

Filed March 19, 1991

## CHAPTER 874

### SENATE CONCURRENT RESOLUTION NO. 4072

(Senators Nalewaja, Kelly, Lindgren, Mathern, Peterson, Teneffos)  
(Representatives R. Berg, Bernstein, Dorso, Gabrielson, Gorman,  
Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup)  
(Approved by the Committee on Delayed Bills)

## **BISON WOMEN'S BASKETBALL CONGRATULATIONS**

A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1991 NCAA Division II national championship.

WHEREAS, the North Dakota State University Bison women's basketball team capped a 31-4 basketball season by claiming their first NCAA Division II national championship with an 81-74 victory over Southeast Missouri State University; and

WHEREAS, the North Dakota State University Bison women's basketball team displayed remarkable individual talent and yet, under the guidance of coach Amy Ruley, combined for a true team effort with solid team defense and balanced offensive production; and

WHEREAS, the women's basketball program at North Dakota State University has become a huge success and the team's outstanding record and national championship victory are accomplishments of which North Dakotans can be proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison women's basketball team and their coach, Amy Ruley, for winning the national championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the members of the North Dakota State University Bison women's basketball team, and to head coach Amy Ruley.

Filed April 4, 1991

## CHAPTER 875

SENATE CONCURRENT RESOLUTION NO. 4073  
(Committee on Employment)  
(Approved by the Committee on Delayed Bills)

### POSTSESSION EMPLOYEES

A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-second Legislative Assembly; and

WHEREAS, certain legislative employees should be retained to complete and close this work;

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

That the following named positions may be retained by the Senate and the House of Representatives after the adjournment of the regular session:

#### SENATE POSITIONS

Secretary of the Senate  
Desk Reporter  
Bill Clerk  
Sergeant-at-Arms  
Deputy Sergeant-at-Arms  
Deputy Sergeant-at-Arms  
Chief Page and Bill Book Clerk  
Chief Stenographer and Payroll Clerk  
Stenographer  
Chief Committee Clerk  
Appropriations Committee Clerk  
Assistant Appropriations Committee Clerk  
Judiciary Committee Clerk  
Secretary to Majority Leader  
Staff Assistant to Majority Leader  
Secretary to Minority Leader  
Staff Assistant to Minority Leader  
Journal Room Clerk  
Chief Telephone Attendant

#### HOUSE POSITIONS

Chief Clerk  
Assistant Chief Clerk  
Desk Reporter  
Bill Clerk  
Sergeant-at-Arms  
Chief Page and Bill Book Clerk

Chief Stenographer and Payroll Clerk  
Appropriations Committee Clerk  
Assistant Appropriations Committee Clerks  
Secretary to Speaker  
Secretary to Majority Leader  
Secretary to Minority Leader  
Desk Pages  
Assistant Sergeant-at-Arms  
Chief Bill and Journal Room Clerk  
Bill Room Clerk  
Chief Assistant Committee Clerk  
Supply Room Clerk

BE IT FURTHER RESOLVED, that the above-listed Senate and House employees shall serve at the request of, and under the supervision of, the Secretary of the Senate and the Chief Clerk of the House, and that all of the listed employees, including the Secretary of the Senate and the Chief Clerk of the House may not be employed for more than 200 man-days in the aggregate. The Secretary of the Senate and the Chief Clerk of the House shall assign work among the available Senate and House employees, respectively, in the appropriate manner. The Secretary of the Senate and the Chief Clerk of the House shall coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limit on man-days in this resolution. The Secretary of the Senate and the Chief Clerk of the House shall minimize the days spent in completion of legislative business to the extent consistent with that completion; and

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in House Concurrent Resolution No. 3025 for work pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fifty-second and Fifty-third Legislative Assemblies, and after completion of the work, provided that each above-listed employee must be paid on a pro rata basis if the total number of man-days exceeds the aggregate limit.

Filed April 11, 1991