

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 717

SENATE CONCURRENT RESOLUTION NO. 4001  
(Legislative Council)  
(Interim Budget Committee on Government Administration)

### STATE EMPLOYEES

A concurrent resolution expressing legislative support for the corps of North Dakota state employees and expressing legislative purpose that the recruitment, training, and retention of valuable state employees be given priority by each branch of state government.

**WHEREAS**, the value of state employees is not always recognized by the public they serve; and

**WHEREAS**, the effectiveness of state government depends upon the quality of work performed by state employees; and

**WHEREAS**, the services provided by North Dakota state employees are among the finest in the nation, with many of the individual services and products receiving national recognition; and

**WHEREAS**, state employees are a very valuable resource available to our state government institutions and agencies; and

**WHEREAS**, the Legislative Assembly, as the state government's board of directors, needs to formally recognize the value of state employees to the performance of vital governmental services that it mandates; and

**WHEREAS**, the continued recruitment and retention of a skilled group of state employees is vital to the continued effective performance of state government;

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

That the Fifty-third Legislative Assembly gives special recognition to the state employees of the state of North Dakota and expresses its thanks to them for carrying out legislative policy with such distinction; and

**BE IT FURTHER RESOLVED**, that the Legislative Assembly urges each branch of state government to plan and budget for adequate training and career development for state employees which will improve the recruitment and retention of valuable state employees, and the Legislative Assembly expresses and will give its support for such planning and budgeting, and will give priority to adequate training and career development for state employees in its development and passage of legislation in this and future legislative sessions; and

**BE IT FURTHER RESOLVED**, that the Secretary of State deliver copies of this resolution to the Governor and to the Chief Justice of the North Dakota Supreme Court.

## CHAPTER 718

SENATE CONCURRENT RESOLUTION NO. 4002  
(Legislative Council)  
(Interim Budget Committee on Government Services)

### CONTINUUM OF SERVICES STUDY

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

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

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

**WHEREAS**, during the 1991-92 interim the Legislative Council's Budget Committee on Government Services, in studying the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons, determine that the department and the private sector are interested in cooperating to provide chemical dependency treatment services; and

**WHEREAS**, the committee was informed that the department's 1993-95 budget request for community services for the mentally ill may not include sufficient funds to meet all the needs identified by the regional human service centers;

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

That the Legislative Council monitor the continued development of a continuum of services for the mentally ill and chemically dependent, including changes in the role of the State Hospital and expanded community services, and receive status reports from the Department of Human Services and private providers on the development of a partnership between the public and private sectors for providing alcohol and drug abuse services throughout the state.

Filed March 10, 1993

## CHAPTER 719

SENATE CONCURRENT RESOLUTION NO. 4003  
(Legislative Council)  
(Interim Budget Committee on Human Services)

### HUMAN SERVICES TOTAL QUALITY MANAGEMENT

A concurrent resolution encouraging the Department of Human Services to continue the development of a total quality management initiative; and directing the Legislative Council to monitor the implementation of the total quality management initiative.

**WHEREAS**, the Legislative Council's Budget Committee on Human Services during the 1991-92 interim conducted a study of the administrative structure of the Department of Human Services; and

**WHEREAS**, the committee engaged a consultant to determine the status of the recommendations by the 1987 Legislative Assembly and the consultant made additional recommendations to improve the administrative structure and processes of the department, and determined that the department's commitment to total quality management could assist in addressing the recommendations; and

**WHEREAS**, total quality management is a system of ideas that W. Edwards Demming taught Japanese corporations in the 1950s and which has been developing in the United States ever since; and

**WHEREAS**, Dr. Demming teaches organizations to treat the people they serve as important customers, to place customer satisfaction as an organization's primary goal, to base decisions on carefully gathered statistical data about all the facts of the operation, and to bring labor and management together and keep them working closely together as one of the best ways to get the job done; and

**WHEREAS**, total quality management is designed to establish a secure work environment so that everyone may work effectively, break down the barriers between departments, institute a program of education and self-improvement, cease dependence on mass inspection, and require top management to drive the transformation; and

**WHEREAS**, total quality management has been implemented successfully in several United States companies and state and local governmental units; and

**WHEREAS**, legislative involvement and input at appropriate times in agencies' implementation of total quality management will assist state agencies in being responsive to legislative intent; and

**WHEREAS**, the Governor by executive order has established the North Dakota Quality Coordination Committee to develop a strategic plan to coordinate total quality management implementation in state government; and

**WHEREAS**, North Dakota state employees are currently valued for their high quality work and their willingness to strive always to do better; and total quality management provides the philosophical basis and the tools for excellence; and

**WHEREAS**, total quality management concepts include:

1. A recognition that to achieve success, high levels of management must be committed to the total quality management concepts and must conduct a systematic review of the implementation progress;
2. A focus on service recipients and the citizens of the state of North Dakota by:
  - a. Identifying and prioritizing service needs,
  - b. Placing a high priority on satisfying priority service needs,
  - c. Constantly striving for improvement in quality and delivery of services, and
  - d. Striving to efficiently deliver services necessary to meet client needs;
3. Teamwork and the encouragement of employees to:
  - a. Use teams to recommend changes, allowing input from affected units to ensure coordination in the provision of quality services,
  - b. Provide training to enhance employee skills,
  - c. Stimulate employees by reward and recognition to provide quality service, and
  - d. Provide recognition of superior employee performance in quality improvement;
4. Communication and coordination in the provision of services by:
  - a. Communicating quality goals to the citizens and the Legislative Assembly of the state of North Dakota,
  - b. Striving to provide services more efficiently to reduce costs of service,
  - c. Recognizing that poor quality services result in costs to the state, many of which costs may not be easily identified or may appear in future years, and
  - d. Encouraging cooperation within a governmental agency and with local political subdivisions and providers of service; and
5. The necessity of long-term strategic planning to identify long-term needs of the citizens of North Dakota and to develop goals to meet those needs; and

**WHEREAS**, the Department of Human Services initiated the implementation of total quality management concepts during the 1991-93 biennium which are expected to:

1. Mold the department into a cohesive organizational structure with a common mission and purpose;

2. Provide employee incentives to reward quality performance;
3. Emphasize strategic planning to place a greater emphasis on needs assessment;
4. Improve coordination and consultation as a result of increased communication among departmental divisions;
5. Develop an internal decisionmaking process adhering to the mission of the department and focusing on the needs of North Dakota citizens; and
6. Establish a mechanism for anticipating future needs and conceptualizing potential approaches to meeting those needs; and

**WHEREAS**, the Department of Human Services delayed implementation of other quality assurance functions to make funding available for a total quality management initiative;

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

That the Fifty-third Legislative Assembly encourages the Department of Human Services to continue development of a total quality management initiative; and

**BE IT FURTHER RESOLVED**, that the Department of Human Services be invited to report for the purposes of study, response, and direction to the Legislative Council, or any committee the Legislative Council designates, during the 1993-94 interim on the department's progress in developing total quality management concepts, the human service areas affected by the implementation of total quality management, and the related costs and benefits of total quality management; 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-Fourth Legislative Assembly.

Filed March 10, 1993

## CHAPTER 720

SENATE CONCURRENT RESOLUTION NO. 4004  
(Legislative Council)  
(Interim Budget Committee on Human Services)

### HUMAN SERVICES ADMINISTRATION

A concurrent resolution encouraging the Department of Human Services to implement recommendations to improve its administrative structure to provide quality and efficiency in the human service delivery system and to report to the Legislative Council; and directing the Legislative Council to monitor the implementation of the recommendation.

WHEREAS, the Legislative Council's Budget Committee on Human Services during the 1991-92 interim conducted a study of the administrative structure; departmental mission, goals, and objectives; and quality assurance functions of the Department of Human Services; and

WHEREAS, the committee engaged a consultant to determine the status of the recommendations by the 1987 Legislative Assembly and the consultant made additional recommendations to improve the administrative structure and processes of the department and determined that the department's commitment to total quality management could assist in addressing the recommendations; and

WHEREAS, the State Auditor's office conducted a performance review for the committee of the Department of Human Services mission, goals, and objectives; quality assurance functions; and adequacy of administrative structure;

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

That the Fifty-third Legislative Assembly encourages the Department of Human Services to:

1. Strengthen its efforts to mold an integrated, cohesive organizational structure with a common mission and purpose, including defining the division directors' roles within the department, developing a mechanism for advocacy groups to have input regarding budget needs, and deciding whether programs should be established based on a client or program perspective by the use of methods including total quality management principles and concepts;
2. Develop and implement a plan for recruiting, training, rewarding, and retaining quality personnel, including development of career ladders for both administrative and clinical personnel;
3. Develop and expand efforts with higher education institutions in the areas of evaluation, research, training, and consultation;
4. Develop and expand collaborative efforts with private providers, public agencies, schools, and hospitals to develop a systemwide planning and

- needs assessment, including developing methods to determine outcomes and to measure success of contractual services;
5. Increase efforts to coordinate the activities of the service programs with the economic assistance programs through joint planning and consultation;
  6. Develop an internal decisionmaking process in line with the mission of the organization and focusing on the needs of North Dakota citizens;
  7. Establish a mechanism for anticipating future needs and conceptualizing potential approaches to meeting these needs;
  8. Clarify roles and responsibilities of the executive director and the cabinet and formalize and document the department's strategic plan identifying mission, goals, and the planning process for long-range and short-range plans;
  9. Develop an updated organizational chart reflecting decisionmaking and span of control, make an active effort to develop strong relationships among organizational units, make an active effort to more clearly define the role and utilize the services of the Human Services Advisory Board, and develop guidelines regarding departmental relationships with other agencies and groups;
  10. Develop standards against which to measure and evaluate the implementation of total quality management and make a high priority a review of departmental managers' span of control in light of the development of total quality management; and
  11. Develop and expand efforts to involve consumers in planning services and conducting outcome studies to determine the department's effectiveness in meeting the needs of consumers; and

**BE IT FURTHER RESOLVED**, that the Department of Human Services be requested to report to the Legislative Council, or any committee the Legislative Council designates, during the 1993-94 interim on the department's progress in implementing the recommendations and that the Legislative Council monitor the progress of the department in this regard; and

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

Filed March 10, 1993

## CHAPTER 721

SENATE CONCURRENT RESOLUTION NO. 4005  
(Legislative Council)  
(Interim Court Services Committee)

### JUDICIAL SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the problems associated with the unification of the state's judicial system into a single trial court of general jurisdiction.

**WHEREAS**, the 1991 Legislative Assembly enacted House Bill No. 1517, which provides a transition process for establishing a single trial court of general jurisdiction through the abolition of county courts and the establishment of additional district court judgeships, with the reduction in the total number of judges to meet the numerical goal set by the Legislative Assembly; and

**WHEREAS**, the projected budget for the court unification under House Bill No. 1517 is \$8.2 million per biennium; and

**WHEREAS**, there have been several alternative suggestions made for providing the funding for court unification, including redistribution of county court revenues and changes in filing fees; and

**WHEREAS**, the implementation of the legislation occurs over a period of time, continued changes to the unification plan and to provide for funding may be necessary;

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

That the Legislative Council study the problems and monitor the implementation of 1991 House Bill No. 1517, including the funding of court unification and possible changes in filing fees or in distribution of county court revenues, in order to 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 necessary to implement the recommendations, to the Fifty-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 722

SENATE CONCURRENT RESOLUTION NO. 4006  
(Legislative Council)  
(Interim Finance and Taxation Committee)

### FEDERAL LANDS RESPONSIBILITY URGED

A concurrent resolution urging the Congress of the United States to take responsibility to assure that the federal government becomes a responsible landowner by assuming its fair share of the property tax burden on government land.

**WHEREAS**, in North Dakota and other states the federal government has acquired millions of acres of land for migratory bird sanctuaries, the national park system, the national forest system, water resource development projects, and other uses; and

**WHEREAS**, Congress has enacted legislation providing for payments in lieu of taxes on federal lands well below the taxes paid by neighboring landowners, and then the federal government has broken the promise of this legislation because Congress has not appropriated sufficient funds to make these payments; and

**WHEREAS**, in states such as North Dakota with sparse population the removal of federal lands from the tax base shifts a substantial burden of the cost of local governmental services to neighboring landowners; and

**WHEREAS**, to the growing consternation of North Dakotans, while the federal government lacks sufficient funds to pay its promised share of the tax burden, federal agencies have sufficient funds to acquire additional property upon which taxes will not be paid;

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

That the Fifty-third Legislative Assembly urges the Congress of the United States to take responsibility to assure that the federal government becomes a responsible landowner, a good neighbor, and a taxpaying citizen of each state in which it owns property by enacting legislation to do all of the following:

1. Provide for repeal of laws authorizing acquisition by federal agencies of land for migratory bird refuges and waterfowl production areas or provide that states have an option to rescind previously granted approval for acquisition of such property;
2. Provide that no federal agency or instrumentality may acquire any interest in property in a state unless all federal agencies owning any interest in property in that state have made full in lieu of tax payments equal to one hundred percent of the taxes that would be due against the property under local assessment and levies for the previous two taxable years;

3. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual accounting of acreage and valuation of its holdings in each county in the state;
4. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual report of how much property it intends to acquire within each county in the state;
5. Provide that limitations on the acreage of federally owned property per county must be established and that federal acquisitions must be approved by an evaluation board in each state consisting of representatives of water, farm, and wildlife groups and representatives of all levels of local government;
6. Provide that any federal agency or instrumentality that fails to make full in lieu of tax payments is permanently banned from acquiring any interest in property in that state until full payment is made;
7. Provide that federal agencies and instrumentalities are subject to state laws regarding imposition of interest and penalties and forfeiture of property for nonpayment of taxes in the same manner as any other landowner; and
8. Provide that federal duck stamp revenues and other funds used for acquisition of interests in property be made available for payments in lieu of taxes on property already acquired; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send copies of this resolution to the Secretary of the Senate of the United States, the clerk of the House of Representatives, the chairman of the Senate Appropriations Committee, the chairman of the House of Representatives Appropriations Committee, the chairman of the Senate Energy and Natural Resources Committee, the chairman of the House of Representatives Interior and Insular Affairs Committee, the Secretary of the Interior, the President of the United States, and each member of the North Dakota Congressional Delegation.

Filed February 12, 1993

## CHAPTER 723

SENATE CONCURRENT RESOLUTION NO. 4008  
(Legislative Council)  
(Interim Natural Resources Committee)

### **SAFE DRINKING WATER ACT ENFORCEMENT**

A concurrent resolution urging Congress to moderate enforcement of the Safe Drinking Water Act.

**WHEREAS**, Congress enacted the Safe Drinking Water Act in 1974 and substantially amended the Act in 1986; and

**WHEREAS**, the Act established a program to require compliance with national drinking water standards for contaminants that may have an adverse effect on the health of people; and

**WHEREAS**, the National Conference of State Legislatures has estimated that a yearly total of \$281 million will be necessary to comply with the provisions of the amendments made in 1986; and

**WHEREAS**, each state should be allowed to conduct preliminary monitoring to determine whether a particular drinking water rule or further monitoring requirements need to be implemented within that state; and

**WHEREAS**, each state should be allowed flexibility to apply safe drinking water rules to regions within that state that have documented drinking water problems; and

**WHEREAS**, North Dakota is faced with the task of fully implementing four major new safe drinking water regulatory packages beginning January 1, 1993, and at least three additional major safe drinking water rule packages beginning January 1, 1997; and

**WHEREAS**, the Environmental Protection Agency should allow states additional time to adopt and implement these major safe drinking water rule packages;

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

That the Fifty-third Legislative Assembly urges the Congress of the United States to moderate enforcement of the Safe Drinking Water Act; and

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

Filed March 5, 1993

## CHAPTER 724

SENATE CONCURRENT RESOLUTION NO. 4010  
(Senators Mathern, Scherber)  
(Representative DeWitz)

### ASSISTANCE PROGRAM ELIGIBILITY STUDY

A concurrent resolution directing the Legislative Council to study the eligibility criteria for economic and medical assistance programs and study the feasibility and desirability of standardizing income and asset criteria for those programs, standardizing pass-through, disallowance, and disregard income criteria, and of establishing criteria to allow persons eligible for those programs to earn income without losing their eligibility for benefits.

**WHEREAS**, the county human service offices are responsible for administering many different economic and medical assistance programs, which may have originated at the federal, state, or local level; and

**WHEREAS**, each program may have different eligibility criteria to be reviewed during the application process; and

**WHEREAS**, different eligibility criteria are confusing to consumers and advocates; and

**WHEREAS**, standardizing and streamlining these criteria could result in a more efficient administration of economic and medical assistance programs and increase self-esteem; and

**WHEREAS**, revising the criteria to allow people to earn money without jeopardizing their benefits may encourage independence from the programs;

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

That the Legislative Council study the eligibility criteria for economic and medical assistance programs administered by the counties and study the feasibility and desirability of standardizing the income and asset criteria for those programs, standardizing pass-through, disallowance, and disregard income criteria, and of establishing criteria to allow persons eligible for the programs to earn income without losing their eligibility for benefits; 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-fourth Legislative Assembly.

Filed March 19, 1993

## CHAPTER 725

SENATE CONCURRENT RESOLUTION NO. 4012  
(Senator Evanson)  
(Representative Kunkel)

### AT-RISK ADOLESCENTS STUDY

A concurrent resolution directing the Legislative Council to study the optimum structure and staff development services necessary to meet the needs of middle-level adolescents identified as the at-risk group in North Dakota schools.

**WHEREAS**, each middle-level student has individual talents, goals, and aspirations that must be identified and nurtured in school as well as at home at this critical period of development; and

**WHEREAS**, middle-level students experience rapid and often traumatic physical and emotional changes as well as fluctuation in cognitive processing that call for a school environment staffed by teachers who are knowledgeable and competent in meeting these developmental needs of young adolescents; and

**WHEREAS**, each middle-level student's needs must be met by experienced personnel who recognize that this period represents the student's last best chance to avoid a diminished future; and

**WHEREAS**, a mismatch exists between the organization and curriculum of middle-grade schools and the intellectual and emotional needs of young adolescents, so middle-level teachers must be trained to match the organization and curriculum to the needs of middle-level adolescents; and

**WHEREAS**, in both large and small North Dakota school districts, the vast majority of teachers who are teaching one or two seventh or eighth grade classes are secondary trained and have a major commitment to the high school curriculum; and

**WHEREAS**, neither the elementary school model of teachers trained as generalists nor the secondary model of teachers trained as specialists in their content fields in departmentalized settings is appropriate for middle-level students; and

**WHEREAS**, school structure needs examination concurrent with national research to determine the optimum organizational setting for middle-level students; and

**WHEREAS**, each North Dakota school should assess its effectiveness in meeting the developmental needs of middle-level students; and

**WHEREAS**, an externally funded project has successfully reached a small number of North Dakota schools and staff;

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

That the Legislative Council study the optimum structure and staff development services necessary to meet the needs of middle-level adolescents identified as the at-risk group in North Dakota schools; 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-fourth Legislative Assembly.

Filed March 19, 1993

## CHAPTER 726

SENATE CONCURRENT RESOLUTION NO. 4013  
(Senators DeMers, Lips, Mathern)  
(Representatives Rydell, Kerzman, Price)

### **MEDICAL DOCUMENTS STUDY**

A concurrent resolution directing the Legislative Council to study the establishment of a state repository for living wills, durable powers of attorney for health care, and other medical documents.

**WHEREAS**, many North Dakota residents have living wills, documents concerning anatomical gifts, and durable powers of attorney pursuant to chapters 23-06.2, 23-06.4, and 23-06.5 of the North Dakota Century Code; and

**WHEREAS**, these documents may not be readily available to health care providers in emergencies; and

**WHEREAS**, a central repository for key medical documents may benefit all residents of North Dakota;

**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 a central repository for living wills, documents evidencing anatomical gifts, durable powers of attorney for health care, and other similar documents; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 727

SENATE CONCURRENT RESOLUTION NO. 4015  
(Senator Maxson)  
(Representative Kretschmar)

### POOR CITIZENS LEGAL REPRESENTATION STUDY

A concurrent resolution directing the Legislative Council to study methods for providing civil legal representation and dispute resolution services for poor citizens.

**WHEREAS**, 89,000 North Dakotans, constituting 15 percent of the North Dakota population, are those with incomes at or below the federal poverty level; and

**WHEREAS**, this poorest segment of the population has increased by eleven percent during the last decade and is projected to increase further, as citizens near poverty are unable to maintain their independence due to lack of civil legal representation and dispute resolution services; and

**WHEREAS**, the lack of legal representation and dispute resolution services in civil matters severely affects a person's ability to secure and maintain basic needs of life, such as shelter, food, clothing, and the ability to live in a free and secure environment; and

**WHEREAS**, special populations of poor North Dakotans, such as the elderly, single parents, children, Native Americans, victims of domestic violence, homeless, mentally ill, developmentally disabled, and farmers and migrant workers, are particularly hurt by the lack of access to civil legal representation and dispute resolution services; and

**WHEREAS**, poor citizens need not only equal access to legal representation for civil legal matters that affect the general population, but also special civil legal representation to be able to gain equal access to complex government agency processes necessary to secure and retain assistance for the basic necessities of life; and

**WHEREAS**, needed civil legal dispute resolution services include innovation in pro se services in court proceedings, specialized use of volunteer attorney services, public school education programs, and development of other counseling, mediation, and arbitration forums and advocacy services for poor citizens; and

**WHEREAS**, a special committee of the Supreme Court of North Dakota concluded that there are approximately 150,000 civil legal problems of poor North Dakotans each year for which legal representation and dispute resolution services are not available and which problems are beyond the capacity of the present civil legal services providers, particularly in legal matters such as child custody, child visitation, child support, domestic violence, protective services for the elderly, children's rights and protections, health care, housing access and eviction, debtor rights and responsibilities, and prompt access to government benefits required to sustain a family at a minimal level until economic independence is regained; and

**WHEREAS**, with present resources, the State Bar Association of North Dakota and the five providers of civil legal services to the poor serving North Dakotans cannot provide legal help at a level beyond the assistance they provided in 10,000 civil cases in 1992; and

**WHEREAS**, new approaches are needed to provide effective access to low-cost, balanced, and speedy mechanisms to resolve civil legal problems for poor and near-poor North Dakotans;

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

That the Legislative Council study the present and projected future need for civil legal representation and dispute resolution services for poor and near-poor citizens in North Dakota; the harms and costs of the lack of civil legal representation and dispute resolution services for these poor and near-poor citizens; and the benefits of alternative methods for providing civil legal representation and dispute resolution services to these citizens; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 728

SENATE CONCURRENT RESOLUTION NO. 4018  
(Senator Maxson)  
(Representative Kretschmar)

### SENTENCING DATA STUDY

A concurrent resolution directing the Legislative Council to study means of gathering data on sentencing in all felony cases and in all misdemeanor cases involving violations of North Dakota Century Code Chapters 12.1-17, 12.1-20, and 14-07.1.

**WHEREAS**, anecdotal evidence reveals great disparities in the sentences given in criminal cases by courts in this state; and

**WHEREAS**, there is no systematic method currently in use to track sentences in criminal cases in this state; and

**WHEREAS**, consistent sentencing, although not necessarily uniform sentencing, would enhance the deterrent effect of sentencing; and

**WHEREAS**, sentencing practices information would be beneficial to judges, attorneys, law enforcement personnel, and the legislative assembly in carrying out their respective responsibilities;

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

That the Legislative Council study means of gathering data on the sentencing of all persons convicted of a felony offense and all persons convicted of a misdemeanor in violation of North Dakota Century Code Chapters 12.1-17, 12.1-20, and 14-07.1; and

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

Filed March 22, 1993

## CHAPTER 729

SENATE CONCURRENT RESOLUTION NO. 4019  
(Senator Kelsch)

### LEGISLATIVE EMPLOYEE COMPENSATION

A concurrent resolution designating Senate and House employees and fixing their compensation and directing the Legislative Council to study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly.

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

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

SENATE	
Carol Siegert, Secretary of the Senate	\$95.00
Linda Putz, Assistant Secretary of the Senate	80.00
Sally Paul, Desk Reporter	89.00
Nancy Ludwig, Bill Clerk	74.00
Kevin Urness, Sergeant-at-Arms	74.00
Sandi Kershaw, Secretary to the Majority Leader	80.00
Melynda Schmitz, Staff Assistant to the Majority Leader	74.00
Renaé Doan, Secretary to the Minority Leader	80.00
Nancy Lewis, Staff Assistant to the Minority Leader	74.00
Maureen Muhlhauser, Chief Stenographer and Payroll Clerk	74.00
Barbara Dove, Stenographer	62.00
Patricia Heidt, Stenographer	62.00
Stacy Knodle, Stenographer	62.00
Marilyn Rose, Stenographer	62.00
Mary Schmitz, Chief Committee Clerk	74.00
Karen Hilfer, Chief Appropriations Committee Clerk	76.00
Cheryl Kram, Assistant Appropriations Clerk	68.00
Elizabeth Allen, Committee Clerk	68.00
Dolores Boutilier, Committee Clerk	68.00
Jolene Christenson, Committee Clerk	68.00
Lori Domine, Committee Clerk	68.00
Linda Hendrix, Committee Clerk	68.00
Jeri Kurle, Committee Clerk	68.00
Shirley Pasicznyk, Committee Clerk	68.00
Colleen Popelka, Committee Clerk	68.00
Jeannette Shaw-Lynch, Committee Clerk	68.00
Peggy Sims, Committee Clerk	68.00
Wanda Homan, Assistant Committee Clerk	65.00
Michael Kemnitz, Deputy Sergeant-at-Arms	62.00
William Kershaw, Deputy Sergeant-at-Arms	62.00

Vernon Erickson, Assistant Sergeant-at-Arms	58.00
Tony Clark, Assistant Sergeant-at-Arms	58.00
Chris Dahl, Assistant Sergeant-at-Arms	58.00
William Skjerven, Supply Room Coordinator	58.00
Althea Yantzer, Chief Page and Bill Book Clerk	65.00
Daniel Holden, Desk Page	58.00
Carol Smith, Journal Page	58.00
Jim DuBois, Page and Bill Book Clerk	58.00
Mark Jensen, Page and Bill Book Clerk	58.00
Cheryl Meyer-Bailey, Page and Bill Book Clerk	58.00
Lynn Senger, Page and Bill Book Clerk	58.00
Jeff Spitzer, Page and Bill Book Clerk	58.00
Kylah Aull, Page and Bill Book Clerk	58.00
Robbie Jewett, Page and Bill Book Clerk	58.00
Shane Molander, Page and Bill Book Clerk	58.00
Clint Schiefelbein, Telephone Attendant	58.00
Lorissa Birst, Telephone Attendant	58.00
Ruby Stadick, Telephone Attendant	58.00
Dolores Draeb, Telephone Attendant	58.00
Janet Mertens, Telephone Page	58.00
Maida Loehrke, Information Desk Attendant	58.00
Pamela Bergman, Chief Bill and Journal Clerk	68.00
Burnetta Barth, Bill Room Clerk	58.00
Selma Carlson, Bill Room Clerk	58.00
Scott Wagar, Bill Room Clerk	58.00
Ledores Robey, Bill Room Clerk	58.00
Nettie Monroe, Journal Room Clerk	58.00
Paul Janke, Journal Room Clerk	58.00
Walter Schramm, Parking Lot Attendant	58.00
Lucas Giesinger, Janitor (estimated partial pay)	57.28
Martha Heid, Janitor (estimated partial pay)	44.80
Ron Glaser, Janitor (estimated partial pay)	36.00

## HOUSE

Roy Gilbreath, Chief Clerk	\$95.00
Jeane Marschke, Assistant Chief Clerk	80.00
Barbara Middaugh, Desk Reporter	89.00
Lance Hagen, Bill Clerk	74.00
Richard Chorlton, Sergeant-at-Arms	74.00
Lorrie Giese, Secretary to the Speaker	74.00
Mavis Patchen, Secretary to the Majority Leader	80.00
Keith Magnusson, Staff Assistant to the Majority Leader	74.00
Arlene Haunson, Secretary to the Minority Leader	80.00
April Fairfield, Staff Assistant to the Minority Leader	74.00
Georgia Clement, Chief Stenographer and Payroll Clerk	74.00
Sharon Jensen, Stenographer	62.00
Phyllis Johnson, Stenographer	62.00
DeLores Knutson, Stenographer	62.00
Candace Makeeff, Stenographer	62.00
John Warner, Stenographer	62.00
Lynette Dunbar, Typist	62.00
Inez Ryberg, Typist	62.00
Darlyne Clausnitzer, Chief Committee Clerk	74.00

Carol Nitschke, Appropriations Committee Clerk	76.00
Carolyn Hoffmann, Assistant Appropriations Committee Clerk	68.00
Judi Markegard, Assistant Appropriations Committee Clerk	68.00
Kathleen Steidler, Assistant Appropriations Committee Clerk	68.00
Lavata Becker, Committee Clerk	68.00
Jocelyn Deutsch, Committee Clerk	68.00
Patricia Dietz, Committee Clerk	68.00
Laurie Kaelberer, Committee Clerk	68.00
Janel Rogstad, Committee Clerk	68.00
Lois Schmidt, Committee Clerk	68.00
Constance Simenson, Committee Clerk	68.00
Janice Stein, Committee Clerk	68.00
Wanda Thompson, Committee Clerk	68.00
Jonathan Thomson, Committee Clerk	68.00
Barbara Langemo, Assistant Committee Clerk	65.00
Judi Kallis, Deputy Sergeant-at-Arms	62.00
Marion Bassingwaite, Assistant Sergeant-at-Arms	58.00
Bernice Clark, Assistant Sergeant-at-Arms	58.00
Stephanie Fisher, Assistant Sergeant-at-Arms	58.00
Brenda Huff, Assistant Sergeant-at-Arms	58.00
John McMahon, Assistant Sergeant-at-Arms	58.00
Jerome Moszer, Assistant Sergeant-at-Arms	58.00
John Wanser, Assistant Sergeant-at-Arms	58.00
Gloria Olson, Chief Page and Bill Book Clerk	65.00
David Hougen, Assistant Chief Page and Bill Book Clerk	62.00
Jocelyn Soderstrom, Journal Page	58.00
Barbara Larson, Desk Page	58.00
Karen Schmidt, Desk Page	58.00
Gere Stetson, Desk Page	58.00
Tracy Duchsherer, Page and Bill Book Clerk	58.00
Kathleen Erhardt, Page and Bill Book Clerk	58.00
Christine Harmon, Page and Bill Book Clerk	58.00
David Hogness, Page and Bill Book Clerk	58.00
Scott Immel, Page and Bill Book Clerk	58.00
Bunny Malm, Page and Bill Book Clerk	58.00
Hope Olson, Page and Bill Book Clerk	58.00
Perry Ostmo, Page and Bill Book Clerk	58.00
Lana Overton, Page and Bill Book Clerk	58.00
Jeff Peterson, Page and Bill Book Clerk	58.00
Fay Pitzer, Page and Bill Book Clerk	58.00
Scott Power, Page and Bill Book Clerk	58.00
Kenneth Radenz, Page and Bill Book Clerk	58.00
Brenda Smith, Page and Bill Book Clerk	58.00
Carl Strum, Page and Bill Book Clerk	58.00
Matthew Thon, Page and Bill Book Clerk	58.00
Dawn Van Horn, Page and Bill Book Clerk	58.00
Phyllis Connolly, Chief Telephone Attendant	62.00
Nancy Dawson, Telephone Attendant	58.00
Irma Holmstrom, Telephone Attendant	58.00
Lorraine Moos, Telephone Attendant	58.00
Merry Hook, Telephone Page	58.00
Margaret Puetz, Information Desk Attendant	58.00
Faye Caya, Bill Room Clerk	58.00

Peter Nagel, Bill Room Clerk	58.00
Elias Nemer, Bill Room Clerk	58.00
Peter Schafer, Bill Room Clerk	58.00
Hella Keller, Journal Room Clerk	58.00
Richard Schell, Journal Room Clerk	58.00
Joe Emineth, Parking Lot Attendant	58.00
Erick Glasser, Janitor (estimated partial pay)	36.00
Vern Hoffmann, Janitor (estimated partial pay)	39.00
Jeffrey Jensen, Janitor (estimated partial pay)	36.00
Francis Scharosch, Janitor (estimated partial pay)	41.36

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-third Legislative Assembly who was employed by the Fifty-second Legislative Assembly is entitled to any additional per day compensation as was granted by the Fifty-second Legislative Assembly; and

**BE IT FURTHER RESOLVED**, that each employee who was not employed by the Fifty-second Legislative Assembly, but was employed by the Legislative Assembly during a previous regular legislative session during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, is entitled to receive any additional per day compensation, to which the employee would have been entitled if the employee had been employed by the Fifty-second Legislative Assembly, and to receive the additional compensation, which may not exceed five dollars per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

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

**BE IT FURTHER RESOLVED**, that the Legislative Council study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly; 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-fourth Legislative Assembly.

Filed April 5, 1993

## CHAPTER 730

SENATE CONCURRENT RESOLUTION NO. 4021  
(Senator Tallackson)  
(Representative D. Olsen)

### **DEPARTMENT OF DEVELOPMENTAL DISABILITIES STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility of establishing a Department of Developmental Disabilities and Mental Health.

**WHEREAS**, the services provided developmentally disabled persons and seriously mentally ill persons may be significant enough to justify departmental status on the state level; and

**WHEREAS**, the Department of Human Services with its current budget request approaching a billion dollars a biennium is becoming so large that it may not be giving adequate attention to programs involving mental health and developmental disabilities; and

**WHEREAS**, the creation of a Department of Developmental Disabilities and Mental Health and a downsized Department of Human Services may give the Legislative Assembly an opportunity to improve its control and evaluation of programs administered by the two departments; and

**WHEREAS**, the removal of these programs from the Department of Human Services would preclude the use of moneys appropriated by the Legislative Assembly for developmentally disabled and seriously mentally ill persons from being used for other human service programs;

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

That the Legislative Council is directed to study the feasibility of establishing a Department of Developmental Disabilities and Mental Health; 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-fourth Legislative Assembly.

Filed March 19, 1993

## CHAPTER 731

SENATE CONCURRENT RESOLUTION NO. 4023  
(Senator Tomac)

### **NOXIOUS WEED TRUST FUND STUDY**

A concurrent resolution directing the Legislative Council to study the development of a Noxious Weed Trust Fund.

**WHEREAS**, leafy spurge already infests 1.1 million acres of land and has the ability to double its acreage of infestation every ten years; and

**WHEREAS**, the direct economic impact of leafy spurge in North Dakota in 1990 was \$23.2 million and is estimated to be \$29.8 million by 1995; and

**WHEREAS**, the state of North Dakota has struggled with the need to provide a consistent level of funding to counties for the effective management of leafy spurge and other noxious weeds; and

**WHEREAS**, the state of Montana has created a successful Montana Noxious Weed Trust Fund;

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

That the Legislative Council study the formation of a Noxious Weed Trust Fund as a means of providing a consistent level of funding for noxious weed management; and

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

Filed March 5, 1993

## CHAPTER 732

### SENATE CONCURRENT RESOLUTION NO. 4025 (Senator Freborg)

#### **EDUCATIONAL TELECOMMUNICATIONS COUNCIL STUDY**

A concurrent resolution directing the Legislative Council to study the North Dakota Educational Telecommunications Council.

**WHEREAS**, the Educational Telecommunications Council is charged with creating educational telecommunications programs and systems within the state; and

**WHEREAS**, the Educational Telecommunications Council has broad powers regarding the development of statewide programs and systems; and

**WHEREAS**, the Educational Telecommunications Council contracts for the building and operating of public television stations; and

**WHEREAS**, the Educational Telecommunications Council receives gifts and contributions from public and private sources, and may solicit grants to be used in conjunction with moneys appropriated by the 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 Educational Telecommunications Council, the council's role in the creation of educational telecommunications programs and systems within the state, the powers and duties of the council, the council's abilities to receive gifts and contributions from public and private sources, the council's ability to solicit grants for use in conjunction with moneys appropriated by the Legislative Assembly; and the council's expenditure of all funds received; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 733

SENATE CONCURRENT RESOLUTION NO. 4026  
(Senator Grindberg)  
(Representatives Austin, Poolman)

### HIGHER EDUCATION DAY

A concurrent resolution declaring Friday, February 26, 1993, as Higher Education Day.

**WHEREAS**, the state of North Dakota has a strong 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 their attention 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-third Legislative Assembly declares Friday, February 26, 1993, to be North Dakota Higher Education Day.

Filed February 16, 1993

## CHAPTER 734

SENATE CONCURRENT RESOLUTION NO. 4027  
(Senators Nelson, Goetz)

### REVENUE ESTIMATING STUDY

A concurrent resolution directing the Legislative Council to study methods to improve the development of biennial revenue estimates.

**WHEREAS**, one of the major budget problems of the 50 states is the need to improve revenue estimating procedures; and

**WHEREAS**, the volatility of the North Dakota economy is affected both by weather conditions and fluctuation in the price of oil; and

**WHEREAS**, revenue estimates in North Dakota have not been accompanied by a full range of options outlining alternative economic conditions; and

**WHEREAS**, further analysis of revenue estimates by the Legislative Assembly and the Executive Budget Office during the legislative session may improve estimates; and

**WHEREAS**, Budget Section review of early forecasts prior to the development of the executive budget may be helpful to both the Governor and the Legislative Assembly;

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

That the Legislative Council, through the Budget Section, study methods to improve the development of biennial revenue estimates, review recently implemented practices in other states, and consider a process for legislative review of estimates during the legislative session; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 735

SENATE CONCURRENT RESOLUTION NO. 4028  
(Senators Nelson, Wogsland)

### FEDERAL MANDATES OPPOSITION

A concurrent resolution urging Congress to either refrain from imposing on states and local governments the costs of programs mandated by federal law or fully fund those programs.

**WHEREAS**, the Congress of the United States continues to mandate programs that impose costs on states and local governments; and

**WHEREAS**, states and local governments have limited resources and are struggling to provide for the needs of their citizens; and

**WHEREAS**, imposing the costs of congressional programs upon states and political subdivisions is a pusillanimous means for Congress to avoid its responsibility to deal with federal budget issues; and

**WHEREAS**, Congress must face the same difficult decisions faced by state and local governments, that if a program is not worthy of full funding perhaps it is not worthy of enactment;

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

That the Fifty-third Legislative Assembly of North Dakota urges the Congress of the United States to either refrain from imposing the cost of programs on state and local governments or to appropriate sufficient federal moneys to pay the full costs of programs mandated by Congress; 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 Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

Filed March 19, 1993

## CHAPTER 736

SENATE CONCURRENT RESOLUTION NO. 4029  
(Senators Lindgren, Krauter, Mathern, Nelson)  
(Representatives Gates, Gorman)

### **DOLLARS FOR SCHOLARS PROGRAM**

A concurrent resolution commending the efforts of the volunteers and staff involved with the Dollars for Scholars program.

**WHEREAS**, North Dakota, like many other states, faces increasing difficulty in funding primary, secondary, and higher education; and

**WHEREAS**, higher education costs continue to rise, thereby placing a greater burden upon students and their families; and

**WHEREAS**, North Dakota continues to support and encourage the education of all students in order to ensure individual growth and the variety of benefits that educated individuals bring to the state; and

**WHEREAS**, the Citizens' Scholarship Foundation of America has, through the Dollars for Scholars program, raised over \$725,000 in endowment funds through 31 community chapters; and

**WHEREAS**, this effort resulted in North Dakota colleges and universities receiving nearly \$250,000 in cross-match grants from the Citizens' Scholarship Foundation of America; and

**WHEREAS**, in 1991 and 1992, this effort resulted in 350 scholarship awards to young North Dakotans, totaling over \$111,000; and

**WHEREAS**, the national office of the Citizens' Scholarship Foundation of America has recognized that in the last year, the percentage increase of scholarship dollars available through the North Dakota Dollars for Scholars chapters is 10 times greater than the percentage increase nationally; and

**WHEREAS**, the growth in the number of North Dakota Dollars for Scholars chapters is five times greater than the national average; and

**WHEREAS**, opportunities to develop additional Dollars for Scholars chapters in North Dakota communities remain available;

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

That the Fifty-third Legislative Assembly commends the volunteers and staff involved in the Dollars for Scholars program for the national recognition they received because of their outstanding contributions to the students and the citizens of North Dakota; and

**BE IT FURTHER RESOLVED**, that the citizens of North Dakota are encouraged to develop and support Dollars for Scholars chapters in order to provide increased educational opportunities for students seeking higher education; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded by the Secretary of State to the national office of the Citizens' Scholarship Foundation of America in St. Peter, Minnesota, and to Mr. Robert J. Alin, the North Dakota Volunteer Area Director, in West Fargo, North Dakota.

Filed March 8, 1993

## CHAPTER 737

SENATE CONCURRENT RESOLUTION NO. 4030  
(Senators Nething, Marks)  
(Representatives Hanson, Howard, Kroeber, Wanzek)

### SPORTS HALL OF FAME

A concurrent resolution designating the North Dakota Sports Hall of Fame in Jamestown as the official North Dakota Sports Hall of Fame.

**WHEREAS**, the North Dakota Sports Hall of Fame is a nonprofit corporation established in Jamestown to honor individuals who have made significant contributions to various sports in North Dakota; and

**WHEREAS**, the purpose of the North Dakota Sports Hall of Fame is to honor and recognize those persons who have played a major role in the growth and development of athletics in North Dakota and to further promote athletics and sportsmanship to the public of North Dakota by honoring those who have made outstanding contributions in sports; and

**WHEREAS**, the North Dakota Sports Hall of Fame at present includes the following groups: North Dakota Amateur Baseball, Inc.; North Dakota Amateur Softball Association, Inc.; North Dakota High School Coaches Association; North Dakota Associated Press Sportscasters and Sportswriters; North Dakota Men's Bowling Association; North Dakota Officials Association; North Dakota Women's Bowling Association; North Dakota Amateur Hockey Association; North Dakota American Legion Junior Baseball; North Dakota Horseshoe Association; North Dakota Men's Golf Association; North Dakota Ladies Golf Association; Handball Association of North Dakota; Babe Ruth Baseball Association of North Dakota; North Dakota Recreation and Park Directors Association; and North Dakota Shooters Association; and

**WHEREAS**, the North Dakota Sports Hall of Fame has established the Cliff Cushman Memorial Award, named after an outstanding North Dakota Olympic athlete, to recognize outstanding achievements of lasting significance in sports; and

**WHEREAS**, the Cliff Cushman Memorial Award is the highest honor bestowed by the North Dakota Sports Hall of Fame on a North Dakotan solely for contributions to sports;

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

The North Dakota Sports Hall of Fame in Jamestown is designated as North Dakota's official Sports Hall of Fame; and

**BE IT FURTHER RESOLVED**, that the Legislative Assembly shall recognize the Cliff Cushman Memorial Award as the highest honor to be awarded to a North Dakotan solely for his contributions to sports and those so honored will receive proper recognition in the North Dakota Sports Hall of Fame.

## CHAPTER 738

SENATE CONCURRENT RESOLUTION NO. 4031  
(Senators Kelsh, Keller, Langley)  
(Representative Belter)

### **AGRICULTURAL COMMODITY CONTRACT STUDY**

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

**WHEREAS**, there are many kinds of commodity contracts designed to provide farmers and ranchers with 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 the 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 commodity contracts 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 problems relating to the use of contracts for the sale of agricultural commodities by North Dakota farmers and ranchers to persons other than public warehousemen licensed under chapter 60-02, including potential risks contained in current contracting practices, and laws and bills from other states relating to 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-fourth Legislative Assembly.

Filed April 20, 1993

## CHAPTER 739

SENATE CONCURRENT RESOLUTION NO. 4032  
(Senators Marks, O'Connell, Solberg)  
(Representatives Dobrinski, Gerntholz, Hanson)

### CONSERVATION RESERVE PROGRAM

A concurrent resolution urging Congress to continue a land retirement program in excess of 45 million acres at the expiration of the current conservation reserve program contracts.

**WHEREAS**, the conservation reserve program has protected the long-term food-producing capability of the United States by reducing wind and water erosion of cropland; and

**WHEREAS**, the conservation reserve program has protected and improved water quality by reducing sedimentation and nonpoint source pollution; and

**WHEREAS**, the conservation reserve program has provided excellent wildlife habitat for game and nongame species; and

**WHEREAS**, the conservation reserve program has reduced federal farm program expenditures for deficiency payments, diversion payments, and commodity loan and storage payments; and

**WHEREAS**, the conservation reserve program has provided income to over 18,000 contractholders in North Dakota; and

**WHEREAS**, the United States currently has surplus cropland and will continue to have such in the foreseeable future;

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

That the Fifty-third Legislative Assembly urges the Congress of the United States to continue a land retirement program in excess of 45 million acres at the expiration of the current conservation reserve program contracts; and

**BE IT FURTHER RESOLVED**, that the North Dakota conservation reserve program coalition be authorized to define disaster conditions, and to recommend regulations and the price for the emergency use of conservation reserve program lands; and

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

Filed March 19, 1993

## CHAPTER 740

SENATE CONCURRENT RESOLUTION NO. 4033  
(Senators Marks, Nalewaja, Nelson, Scherber)  
(Representatives Cleary, D. Olsen)

### FREEDOM OF CHOICE ACT OPPOSITION

A concurrent resolution urging Congress to reject the Freedom of Choice Act.

**WHEREAS**, it has traditionally been the right of a state to be self-determining with the ability to pass laws governing and pertaining to activities within the state and it is imperative a state be able to preserve that right; and

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

**WHEREAS**, the Freedom of Choice Act, as discussed in the 1992 United States Senate Labor and Human Resources Committee report, would invalidate the North Dakota informed consent law in its entirety including provisions that give a woman seeking an abortion the right to know the probable gestational age of her unborn child, the name of the physician who would perform the abortion, the particular medical risks associated with the abortion procedure to be used as well as the medical risks associated with carrying the child to term, and provisions that give a woman the right to obtain information about the medical benefits that may be available for her and her child before, during, and after the birth of the child, and information containing objective, scientifically accurate medical facts about the development of the unborn child; and

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

**WHEREAS**, the Freedom of Choice Act would invalidate North Dakota Century Code section 14-02.1-04, which permits an abortion to be performed after a unborn child attains viability only when the physician determines that the pregnancy will cause "a substantial risk of grave impairment" to the mother's health, because the Freedom of Choice Act, as discussed in the United States Senate Labor and Human Resources Committee report, prohibits the states from limiting in any way the discretion of abortion-performing doctors to perform abortions after viability to enhance the mental or emotional health of the mother; and

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

**WHEREAS**, the Freedom of Choice Act, as discussed in the United States Senate Labor and Human Resources Committee report, would invalidate North Dakota Century Code section 14-02.3-04, which prevents the use of North Dakotans' tax dollars to provide operating rooms and equipment in public hospitals for the performance of abortions except when an abortion is necessary to preserve the life of the mother thereby effectively overturning the 1977 Supreme Court ruling in Poelker v. Doe, 432 U.S. 519 (1977); and

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

**WHEREAS**, the Freedom of Choice Act would invalidate the North Dakota requirement that only licensed physicians perform abortions, because the United States Labor and Human Resources Committee report in effect invites litigation to strike down a physician requirement on the basis that it is not "medically necessary" that physicians, as opposed to other trained personnel, perform abortions;

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

That the Fifty-third Legislative Assembly urges the Congress of the United States to reject the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials; and

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

Filed March 22, 1993

## CHAPTER 741

SENATE CONCURRENT RESOLUTION NO. 4035  
(Senators Kelsh, Redlin)

### HEALTH INSURANCE DEDUCTION URGED

A concurrent resolution urging the Congress of the United States to allow self-employed farmers, ranchers, and small business owners an income tax deduction for health insurance premiums.

WHEREAS, the United States is spending almost 14 percent of its gross national product on health care, yet 37 million Americans do not have health insurance; and

WHEREAS, more than 87,000 North Dakotans are without health insurance, of whom more than 20,000 are children; and

WHEREAS, although North Dakota ranks fifth in per capita health care expenditures, rural hospitals, emergency rooms, and ambulance services are in financial difficulty; and

WHEREAS, health insurance premiums should be recognized as a business expense for all businesses that incur such expenses;

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

That the Fifty-third Legislative Assembly urges the Congress of the United States to enact legislation to allow self-employed farmers, ranchers, and small business owners an income tax deduction for the cost of health insurance premiums; and

**BE IT FURTHER RESOLVED,** that the Secretary of State forward copies of this resolution to the chairman of the United States House of Representatives Ways and Means Committee, the chairman of the United States Senate Finance Committee, and each member of the North Dakota Congressional Delegation.

Filed March 19, 1993

## CHAPTER 742

SENATE CONCURRENT RESOLUTION NO. 4036  
(Senator W. Stenehjem)  
(Representative Clayburgh)

### GOVERNMENTAL IMMUNITY STUDY

A concurrent resolution directing the Legislative Council to study the doctrine of governmental immunity of the state.

**WHEREAS**, the doctrine of governmental immunity prohibits any injured citizen from making claims against or suing the state for wrongful acts or torts of government employees and agents; and

**WHEREAS**, the doctrine of governmental immunity was based on the English tradition of sovereign immunity--the king could do no wrong; and

**WHEREAS**, the doctrine was judicially adopted in North Dakota for both the state and political subdivisions; and

**WHEREAS**, the state constitution does not specifically provide for governmental immunity for either the state or its political subdivisions, but rather provides that suits may be brought against the state in such manner, in such courts, and in such cases, as the Legislative Assembly may, by law, direct; and

**WHEREAS**, in Kitto v. Minot Park District, 224 N.W.2d 795 (N.D. 1974), the court reversed its earlier position and abolished the judicial doctrine of governmental immunity as it applied to political subdivisions; and

**WHEREAS**, the Legislative Assembly subsequently enacted North Dakota Century Code Chapter 32-12.1, which provides for the circumstances under which a political subdivision can be held liable for injuries to an individual and establishes monetary damage limits upon those suits; and

**WHEREAS**, North Dakota Century Code Chapter 32-12.1 has provided for recovery on the part of individuals that are injured and has adequately protected political subdivisions from extremely large award amounts; and

**WHEREAS**, the majority of states have eliminated total state immunity and have further provided for statutory limits on the awards;

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

That the Legislative Council study the doctrine of governmental immunity of the state, with special emphasis on monetary limitations on any actions allowed; 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-fourth Legislative Assembly.

Filed March 10, 1993

## CHAPTER 743

SENATE CONCURRENT RESOLUTION NO. 4037  
(Senators Kelsh, Tomac)

### FAIR INTERNATIONAL TRADE URGED

A concurrent resolution urging the President and Congress to institute policies encouraging fair trade between nations, and expressing opposition to the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.

WHEREAS, the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA) are designed to improve trade relations between countries; and \*

WHEREAS, the General Agreement on Tariffs and Trade and the North American Free Trade Agreement would mix vastly different standards of living, wage structures, social protection measures, and regulatory climates; and

WHEREAS, the General Agreement on Tariffs and Trade and the North American Free Trade Agreement can create opportunities for exploitation; and

WHEREAS, because North Dakota has a largely agricultural economy, it is incumbent on this state to be a leader in examining the contents and impacts of these and other international trade agreements; and

WHEREAS, the result of free trade with Canada has decimated North Dakota's wheat market; and

WHEREAS, United States companies have moved manufacturing plants to Mexico and are taking advantage of wages averaging between 75 cents and \$1 an hour; and

WHEREAS, 500,000 jobs previously held in the United States are now being held in Mexico; and

WHEREAS, a policy of fair trade between free and independent nations would maintain a balanced economy in each nation, restrict monopoly, revitalize business, and bring about prosperity and well-being for all people; and

WHEREAS, both the General Agreement on Tariffs and Trade and the North American Free Trade Agreement are on a "fast track" path that allows only 90 days for congressional review and approval or rejection but allows no congressional amendments;

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

That the Fifty-third Legislative Assembly urges the President and Congress to institute policies encouraging fair trade between nations which will ensure profitable markets and income for all agricultural producers and living wages for laborers; and

**BE IT FURTHER RESOLVED**, that the Fifty-third Legislative Assembly urges a meaningful review by Congress of all free trade agreements; and

**BE IT FURTHER RESOLVED**, that the Fifty-third Legislative Assembly expresses its opposition to "fast track" authority that allows the President to submit international trade agreements to Congress for review but does not allow for congressional amendments; and

**BE IT FURTHER RESOLVED**, that the Fifty-third Legislative Assembly expresses its opposition to the General Agreement on Tariffs and Trade and to the North American Free Trade Agreement in their current forms; and

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

Filed March 22, 1993

## CHAPTER 744

SENATE CONCURRENT RESOLUTION NO. 4038  
(Senator Lips)

### WORKERS' COMPENSATION STUDY

A concurrent resolution directing the Legislative Council to study the workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud.

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

**WHEREAS**, the dramatic increase in the cost of providing workers' compensation, the complexity of litigation involving the bureau in the last 10 years, and premium income that is significantly less than fund expenditures jeopardize the ability of the bureau to provide compensation to injured employees; and

**WHEREAS**, the Legislative Assembly enacted legislation in 1991 to establish programs to provide for the more efficient and effective administration of benefits by the bureau; and

**WHEREAS**, self-insurance or private insurance may be a viable option for some North Dakota employers to provide workers' compensation coverage to their employees; and

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

**WHEREAS**, the extent to which fraud is a contributing factor in increasing workers' compensation costs is not known; 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 North Dakota workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud; 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-fourth Legislative Assembly.

Filed April 27, 1993

## CHAPTER 745

SENATE CONCURRENT RESOLUTION NO. 4039  
(Senators Heinrich, Holmberg)  
(Representatives Hanson, Monson)

### TEACHER ASSISTANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing programs to assist first-year teachers.

**WHEREAS**, it is the responsibility of the state to maintain a system of public schools; and

**WHEREAS**, this responsibility is satisfied in part by retaining competent, experienced, and enthusiastic teachers; and

**WHEREAS**, 23 percent of teachers leave the profession after their first year; and

**WHEREAS**, 61 percent of teachers leave the profession after their fifth year; and

**WHEREAS**, this departure of highly educated professionals is a tremendous financial loss to the state; and

**WHEREAS**, the implementation of mentoring programs, internships, evaluations, supervisions, and peer assistance procedures could enhance the chances for success of first-year teachers;

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

That the Legislative Council study the feasibility and desirability of implementing programs to assist first-year teachers; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 746

SENATE CONCURRENT RESOLUTION NO. 4040  
(Senators Tomac, Freborg, Yockim)  
(Approved by the Delayed Bills Committee)

### MISSOURI RIVER BANK PROTECTION

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 continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

**WHEREAS**, the Flood Control Act of 1944, as amended, 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 and has allowed these downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

**WHEREAS**, the 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, 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 used in states other than North Dakota; and

**WHEREAS**, the Army Corps of Engineers stated in its final report to Congress dated December 1981 concerning Missouri River streambank erosion that "bank erosion in this reach results in a permanent net loss of high value lands. This process,

unless halted, would eventually transform the present river into a wide area of sandbars and channels, occupying an increasing proportion of the valley width between the bluffs"; and

**WHEREAS**, the lands adjacent to the Missouri River have been and will continue to be seriously eroded and permanently lost to the local landowners and the state of North Dakota because of reservoir management 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 and Lake Sakakawea thereby causing the water table to rise under the adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent Army Corps of Engineers pronouncements, endangered 6,000 acres of land containing 40 homes and valuable farmland around Lake Oahe; and in the headwater area of Lake Sakakawea, the delta is endangering the 3,200 irrigated acres in the Buford-Trenton Irrigation District, is endangering the water intake for the city of Williston, and is endangering portions of Williston and many acres of valuable farmland in addition to the Buford-Trenton Irrigation District; and

**WHEREAS**, a similar bank erosion problem exists for a 58-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also between Fort Peck Dam in Montana and Lake Sakakawea; 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**, Section 33 of 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; and

**WHEREAS**, Congress appropriated \$1.5 million in fiscal year 1992 and \$1.5 million in fiscal year 1993 for the purpose of protecting the banks of the Missouri River; and

**WHEREAS**, the Army Corps of Engineers has not used any of these funds to protect the eroding banks because it maintains that a project must have a cost benefit ratio greater than one to be constructed; although this was clearly not the legislative intent of Section 33 of the Water Resources Development Act of 1988;

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

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

**BE IT FURTHER RESOLVED**, that Congress is urged to continue a program of annually appropriating funds to repair existing bank protection projects now in

danger of failure and to begin to construct bank protection projects in the most critical locations; and

**BE IT FURTHER RESOLVED**, that Senator Kent Conrad, Senator Byron Dorgan, and Congressman Earl Pomeroy 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 the United States Army Corps of Engineers is urged to initiate a program to construct bank protection structures along the Missouri River between Fort Peck and a point 58 miles downstream of Gavins Point Dam; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of the Army; the Secretary of the Interior; the District Engineer, Omaha District, United States Army Corps of Engineers; Governor Edward T. Schafer; 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 22, 1993

## CHAPTER 747

SENATE CONCURRENT RESOLUTION NO. 4041  
(Senators Solberg, Bowman, Tomac)  
(Representatives Brown, Kempenich, Laughlin)  
(Approved by the Delayed Bills Committee)

### **ROGER STUBER CONGRATULATED**

A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

**WHEREAS**, Roger Stuber, Bowman, North Dakota, is the owner and operator of Stuber Hereford Ranch; and

**WHEREAS**, Roger Stuber has held numerous leadership positions in the beef industry, including president of the American Hereford Association and president of the North Dakota Stockmen's Association; and

**WHEREAS**, Roger Stuber served on the National Cattlemen's Association Board of Directors from 1985 to 1988; and

**WHEREAS**, Roger Stuber has served as a National Cattlemen's Association regional vice president; and

**WHEREAS**, on January 30, 1993, Roger Stuber was installed as president of the National Cattlemen's Association; and

**WHEREAS**, as president of the National Cattlemen's Association, Roger Stuber will be a national spokesman for all segments of the United States beef cattle industry;

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

That the Fifty-third Legislative Assembly extends its congratulations to Roger Stuber upon his election as president of the National Cattlemen's Association; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to Roger Stuber.

Filed February 17, 1993

## CHAPTER 748

SENATE CONCURRENT RESOLUTION NO. 4042  
(Senator Mathern)  
(Representative Svedjan)

### UNIFORM GROUP INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing all North Dakota residents to participate in the uniform group insurance program.

**WHEREAS**, the cost of obtaining health insurance is increasing rapidly and many North Dakota residents are finding it increasingly difficult to obtain affordable health insurance coverage; and

**WHEREAS**, it is estimated that up to 16 percent of the population of North Dakota does not have health insurance or has inadequate health insurance; and

**WHEREAS**, the Legislative Assembly has established the uniform group insurance program to promote the economy and efficiency of employment in the state service, reduce personnel turnover, and offer an incentive to well-qualified men and women to enter and remain in the service of state employment; and

**WHEREAS**, North Dakota residents not participating in the uniform group insurance program may be able to obtain favorable health insurance coverage if they could participate as a member of the uniform insurance program group;

**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 allowing all North Dakota residents to participate in the uniform group insurance program; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 749

SENATE CONCURRENT RESOLUTION NO. 4043  
(Senator W. Stenehjem)

### FAMILY COURT STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a family court for the resolution of domestic relations cases for low income persons.

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

**WHEREAS**, the present court system results in long delays and adversarial proceedings which many times ruin any chance of effective communication between the parents; and

**WHEREAS**, most low income persons must rely on overworked legal aid offices or attorneys willing to do pro bono domestic relations cases for legal services; and

**WHEREAS**, lack of ability to pay for legal services may result in a low income person staying in an abusive relationship, separating informally without the benefit of court-ordered support, or using other self-help measures to find relief; and

**WHEREAS**, North Dakota has a small claims court that uses procedures that are effective and result in a speedy resolution of disputes, often without the intervention of attorneys; and

**WHEREAS**, the types of services needed by low income persons in domestic relations cases could often be achieved using procedures similar to those used in the small claims court;

**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 family court for the resolution of domestic relations cases for low income persons, with emphasis on using informal procedures and on providing the court with jurisdiction to consider all domestic relations cases using the full range of services available in the community, including guardian ad litem services for minor children, counseling, addiction and substance abuse treatment programs, mediation, domestic violence protection orders, enforcement proceedings for child custody, support and visitation, modification proceedings, and juvenile court matters; 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-fourth Legislative Assembly.

Filed March 10, 1993

## CHAPTER 750

SENATE CONCURRENT RESOLUTION NO. 4044  
(Senators Goetz, Andrist, Redlin)  
(Representative Kempenich)

### **PARKS AND TOURISM DEVELOPMENT STUDY**

A concurrent resolution directing the Legislative Council to study the implementation of the North Dakota historic sites, state parks, and tourism development plan and potential funding mechanisms for specific projects listed in the plan.

**WHEREAS**, the state's natural, cultural, historical, and recreational resources act as attractions to residents and nonresidents for the purpose of exploration, education, and entertainment; and

**WHEREAS**, the economic well-being of the state depends upon attracting nonresidents to the state; promoting tourism; keeping the natural, cultural, historical, and recreational resources in a condition that entices residents to stay in the state; and enhancing economic development within the state; and

**WHEREAS**, significant amounts of revenue are generated in the state as a result of the use of natural, cultural, historical, and recreational resources; and

**WHEREAS**, there is a recognized need for enhancement of the state's tourism resources to assure continued enjoyment by residents and nonresidents;

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

That the Legislative Council study the implementation of the North Dakota historic sites, state parks, and tourism development plan and potential funding mechanisms for projects listed in the plan; and

**BE IT FURTHER RESOLVED**, that the Department of Economic Development and Finance, Parks and Tourism Department, State Historical Board, Game and Fish Department, Garrison Diversion Conservancy District, Office of Intergovernmental Assistance, related federal agencies, and various community groups, associations, and foundations provide any assistance requested by the Legislative Council to conduct this 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 751

SENATE CONCURRENT RESOLUTION NO. 4045  
(Senators O'Connell, Graba, Traynor)  
(Representatives Allmaras, Martin, Sveen)

### **POLITICAL SUBDIVISION RECORDS STUDY**

A concurrent resolution directing the Legislative Council to study political subdivision record retention.

**WHEREAS**, North Dakota Century Code Chapter 54-46 requires the director of the Office of Management and Budget to adopt rules for a uniform system of cataloging, reproduction, retention, and final disposition of county, city, and park district records; and

**WHEREAS**, North Dakota Century Code Section 54-46-12 provides that all counties, cities, and park district offices, departments, and agencies may establish and maintain the uniform system prescribed by the director of the Office of Management and Budget; and

**WHEREAS**, the Office of Management and Budget has adopted rules in North Dakota Administrative Code Article 4-06 relating to county records management; and

**WHEREAS**, the rules appear to make the retention process for the counties mandatory rather than permissive as allowed by statute; and

**WHEREAS**, the rules make reference to, but do not contain, schedules, manuals, and reports that control the record retention and disposition process; and

**WHEREAS**, some political subdivision officials contend that political subdivisions are not allowed adequate input into the adoption of schedules under present procedures;

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

That the Legislative Council study present statutes and rules relating to the uniform system of cataloging, reproduction, retention, and final disposition of county records; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 752

SENATE CONCURRENT RESOLUTION NO. 4046  
(Senator Heinrich)  
(Representative Gates)

### **EDUCATIONAL SERVICE AREA STUDY**

A concurrent resolution directing the Legislative Council to study geographical boundaries defining educational service areas.

**WHEREAS**, educational service delivery includes special education, vocational education, technology clusters and regions, teacher learning centers, and educational telecommunications regions; and

**WHEREAS**, delivery of the various educational services is often defined by geographical boundaries; and

**WHEREAS**, these geographical boundaries often have no relationship to one another; and

**WHEREAS**, coordinating the geographical boundaries within which services are delivered could improve service delivery, enhance efficiency, and ease administrative duties and responsibilities;

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

That the Legislative Council study the geographical boundaries defining educational service areas; and

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

Filed March 22, 1993

## CHAPTER 753

SENATE CONCURRENT RESOLUTION NO. 4047  
(Senator Bowman)

### **AUCTIONEER REAL ESTATE SALES STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring real estate licensing for auctioneers selling or offering to sell real property at public auction.

**WHEREAS**, auctioneers selling real property at a bona fide public auction are exempt from the licensing requirements for real estate brokers and salespersons; and

**WHEREAS**, the Fifty-third Legislative Assembly considered legislation that would have removed the exemption for auctioneers from the real estate licensing law; and

**WHEREAS**, testimony indicated more information was needed, particularly related to the experience of other states concerning the relationship between real estate licensing and auctioneers;

**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 requiring real estate licensing for auctioneers selling or offering to sell real property at public auction; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 754

SENATE CONCURRENT RESOLUTION NO. 4048  
(Senators Tallackson, Robinson, Goetz)  
(Representatives Coats, Kilichowski)

### VETERANS' LONG-TERM CARE STUDY

A concurrent resolution directing the Legislative Council to study the long-term care needs of veterans and the use of state and other existing facilities for long-term care for veterans in North Dakota.

**WHEREAS**, life expectancy has increased and the need for both home and institutional services increase with age; and

**WHEREAS**, there are approximately 52,000 veterans in North Dakota; and

**WHEREAS**, the North Dakota Veterans' Home in Lisbon has a capacity of 150 beds; and

**WHEREAS**, there is a waiting list for people wishing admission to the North Dakota Veterans' Home; and

**WHEREAS**, building a long-term care facility for veterans has been proposed in western North Dakota; and

**WHEREAS**, there are a number of alternatives to long-term nursing home care for aged veterans, including respite care, adult basic care, and congregate care; and

**WHEREAS**, Medicaid reimbursement for veterans is subject to change; and

**WHEREAS**, the state has a number of facilities that may be better utilized by providing long-term care to veterans, including the Developmental Center at Grafton;

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

That the Legislative Council study the long-term care needs of veterans in this state with an emphasis on state and other existing facilities that could be used for providing long-term care to veterans; and

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

Filed April 7, 1993

## CHAPTER 755

SENATE CONCURRENT RESOLUTION NO. 4049  
(Senators Nething, Kelly, Mushik, Nelson)

### **OPTIONAL MEDICAID PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to study the need for optional Medicaid programs and the impact of discontinuing those programs.

**WHEREAS**, the Legislative Assembly faced a budget gap in excess of \$150 million during the 1993 session; and

**WHEREAS**, revenue measures were referred in 1989, resulting in major state agency and institution budget cuts; and

**WHEREAS**, many have suggested that the state should consider discontinuing optional Medicaid programs within the Department of Human Services to reduce state expenditures; and

**WHEREAS**, while the elimination of optional Medicaid programs may reduce state expenditures, county and other political subdivision expenditures may be increased as a result of eliminating those programs; and

**WHEREAS**, 70 percent federal matching is available if the programs are continued on the state level;

**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 optional Medicaid programs, the impact on political subdivisions and other state programs if optional Medicaid programs were to be discontinued, and accessibility of services for persons currently receiving them if the optional programs were discontinued; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 756

SENATE CONCURRENT RESOLUTION NO. 4050  
(Senators Mushik, DeMers, Mathern, Scherber)  
(Representatives Oban, D. Olsen)

### DISABILITIES EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study the placement of students with developmental disabilities in regular classroom settings and the teacher training curricula or specific study courses designed to assist teachers in accepting and teaching students with mental retardation and other developmental disabilities.

**WHEREAS**, Public Law 94-142 requires that a child with developmental disabilities be educated in the least restrictive environment and this is often interpreted to mean the regular classroom; and

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

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

**WHEREAS**, since the enactment of Public Law 94-142, North Dakota special education districts have made varying degrees of progress with respect to placing and supporting children with developmental disabilities in regular classrooms; and

**WHEREAS**, teacher education and training, administrative knowledge, and exposure to inclusive education play major roles in implementing and facilitating the placement of students with developmental disabilities in regular classrooms;

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

That the Legislative Council study the efforts of the Department of Public Instruction and individual special education districts to place and support students with developmental disabilities in regular classroom settings, to identify obstacles that hinder the inclusion of students in regular classrooms, and to receive information from state colleges and universities relative to teacher training curricula or specific study courses designed to assist teachers in accepting and teaching students with mental retardation and other developmental disabilities; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 757

SENATE CONCURRENT RESOLUTION NO. 4051  
(Senators Bowman, Evanson, Goetz)

### EDUCATION PROVISION STUDY

A concurrent resolution directing the Legislative Council to study the various forms of education and the environments in which education is provided and the flexibility of legislative and administrative systems for reviewing and evaluating different methods of providing education.

**WHEREAS**, the state of North Dakota has a duty to ensure that all children receive a quality education; and

**WHEREAS**, the Legislative Assembly and the Superintendent of Public Instruction have set various standards and criteria in the exercise of this duty; and

**WHEREAS**, the education of children can take many different forms and occur in many different environments; and

**WHEREAS**, these forms and environments are not always anticipated by either the Legislative Assembly or the Superintendent of Public Instruction; and

**WHEREAS**, forms and environments of education not anticipated by either the Legislative Assembly or the Superintendent of Public Instruction must not be routinely disallowed, but must be examined in light of the educational success being achieved;

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

That the Legislative Council study the various forms of education and the environments in which education is provided and the flexibility of legislative and administrative systems for reviewing and evaluating different methods of providing education, with full consideration given to the welfare of the student; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 758

SENATE CONCURRENT RESOLUTION NO. 4052  
(Senators Holmberg, Evanson, Maxson)

### CHILD ABUSE ACCUSATIONS STUDY

A concurrent resolution directing the Legislative Council to study accusations of child abuse or child sexual abuse by one parent against the other during contested custody and visitation cases.

**WHEREAS**, national research studies suggest that allegations by one parent against another of child abuse or child sexual abuse occur in contested child custody and visitation cases; and

**WHEREAS**, North Dakota Century Code Chapter 50-25.1 requires the reporting of certain child abuse or neglect to the Department of Human Services for investigation and determination; and

**WHEREAS**, allegations of child abuse or child sexual abuse may also arise in pleadings during divorce proceedings; and

**WHEREAS**, unfounded allegations of child abuse or child sexual abuse may impose substantial expense and injury to innocent parties; and

**WHEREAS**, other states appear to provide varied remedies when allegations of child abuse or child sexual abuse are made during divorce proceedings; and

**WHEREAS**, it is a legislative responsibility to review existing laws to ensure that statutes address significant societal issues;

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

That the Legislative Council study the impact of allegations of child abuse or child sexual abuse by one party against another while gathering information for divorce proceedings and during divorce proceedings and the desirability of adopting legislation regarding visitation and custody of either parent during investigation of allegations of child abuse or child sexual abuse and following determination of those allegations; 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-fourth Legislative Assembly.

Filed April 7, 1993

## CHAPTER 759

SENATE CONCURRENT RESOLUTION NO. 4053  
(Senators Holmberg, Heinrich, Evanson)  
(Representatives Gates, Kroeber, Kunkel)

### **HANDICAPPED ACCESS TO SCHOOLS STUDY**

A concurrent resolution directing the Legislative Council to study the application of federal law prohibiting discrimination against the handicapped to school districts.

**WHEREAS**, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified handicapped persons in any program or activity that receives federal financial assistance; and

**WHEREAS**, a qualified handicapped person means a person who with reasonable accommodation can perform the essential functions of a job in question; and

**WHEREAS**, reasonable accommodation means making facilities readily accessible and usable by handicapped persons; and

**WHEREAS**, the school districts of this state would benefit from a discussion of Section 504 requirements and from a development of policies addressing the requirements;

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

That the Legislative Council study the application of federal law prohibiting discrimination against the handicapped, Section 504 of the Rehabilitation Act of 1973, to school districts in this state; and

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

Filed March 22, 1993

## CHAPTER 760

SENATE CONCURRENT RESOLUTION NO. 4054  
(Senators Evanson, Marks, Nelson)  
(Representatives Glasheim, Stenson, Thorpe)

### **CABLE TV REGULATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of state regulation of the cable television industry.

**WHEREAS**, the cable television industry is a multimillion dollar business in this state which is not subject to competition in most markets; and

**WHEREAS**, in 1984 Congress preempted state and local regulation of cable television with respect to rates, services, and ownership; and

**WHEREAS**, in 1992 Congress reimposed rate control on cable systems, required establishment of cable service standards, and otherwise retreated from the deregulation of 1984; and

**WHEREAS**, the Cable Television Consumer Protection and Competition Act of 1992 mandates a system of joint federal and local regulation of cable television; and

**WHEREAS**, a determination needs to be made of the extent the state can regulate cable television; and

**WHEREAS**, if the state becomes involved in the regulation of cable television services, a determination needs to be made as to whether involvement should be by a state agency such as the Public Service Commission;

**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 state regulation of the cable television industry; and

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

Filed March 22, 1993

## CHAPTER 761

SENATE CONCURRENT RESOLUTION NO. 4055  
(Senators Robinson, Mushik, Nething)  
(Representatives Gates, Gulleson, Rydell)

### CHILDREN SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the provision of services for children, including services related to child care, education, health, corrections, and foster care.

**WHEREAS**, the state of North Dakota provides education, health, and well-being programs for children and the federal government makes funding available for programs that benefit children; and

**WHEREAS**, North Dakota is investing in economic development and new jobs; and

**WHEREAS**, these jobs will result in the need for more quality child care facilities; and

**WHEREAS**, Minnesota is considering the consolidation of the majority of its children's services into one state agency; and

**WHEREAS**, state and national children's organizations, including the Children's Defense Fund and the National Association for the Education of Young Children, offer assistance to states in developing service systems for children; and

**WHEREAS**, the availability of child care services has an impact on the economic development opportunities in the state; and

**WHEREAS**, the quality of the services, the compensation of persons involved in providing the services, and the affordability of the services to parents and to state and federal governments must be considered in developing services for children; and

**WHEREAS**, the Governor's Commission on Children and Adolescents at Risk studied services to children and has written the Children and Adolescents at Risk report;

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

That the Legislative Council study, using the Children and Adolescents at Risk report as a guide, the provision of services for children, including child care, education, health, corrections, foster care, and other services involving the well-being of children for the purpose of developing a seamless delivery system for children's 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 762

SENATE CONCURRENT RESOLUTION NO. 4056  
(Senators Keller, Freborg, Goetz)  
(Representatives Bodine, Grosz, Tollefson)

### LIGNITE DEVELOPMENT STUDY

A concurrent resolution directing the Legislative Council to study tax, regulatory, marketing, and other business incentives that can be enacted by the state of North Dakota to maintain and encourage development of our state's abundant lignite resources.

**WHEREAS**, North Dakota's lignite industry annually produces approximately thirty million tons of lignite, contributing to our state's and nation's energy independence by generating electricity for more than two million people and by producing synthetic natural gas for 300,000 homes and businesses, which is equivalent to over 20,000 barrels of domestic oil per day; and

**WHEREAS**, North Dakota's lignite industry generates over 17,000 direct and indirect jobs, over one billion dollars in annual business volume, and over sixty million dollars in annual tax revenue for our state; and

**WHEREAS**, the lignite research, development, and marketing program enacted by the Legislative Assembly and administered by the Industrial Commission has marketing studies underway to identify strategies for increased development and additional uses of our state's 1,000-year supply of lignite coal; and

**WHEREAS**, various state tax, regulatory, and marketing incentives to enhance lignite development which could result in increased jobs, economic activity, and tax revenue for our state are being identified and evaluated by the Lignite Research Council;

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

That the Legislative Council study tax, regulatory, marketing, and other related business incentives that could be adopted by the State of North Dakota to maintain and encourage development of its lignite resources, for both existing and future uses; and

**BE IT FURTHER RESOLVED**, that the Legislative Council is encouraged to utilize the services of the Lignite Research Council, an advisory group to the Industrial Commission; and

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

Filed March 22, 1993

## CHAPTER 763

SENATE CONCURRENT RESOLUTION NO. 4057  
(Senators DeMers, Mushik, Nalewaja, W. Stenehjem)  
(Representatives Glasheim, Kretschmar)

### CHILD SUPPORT ENFORCEMENT STUDY

A concurrent resolution directing the Legislative Council to study the Uniform Interstate Family Support Act and its relationship to existing North Dakota law to determine the desirability of adopting it.

**WHEREAS**, the Uniform Reciprocal Enforcement of Support Act was enacted in 1950, amended in 1951, 1958, and 1968, and has been used as a guide throughout the United States for child support enforcement; and

**WHEREAS**, child support enforcement is a growing problem that needs new mechanisms for interstate enforcement; and

**WHEREAS**, new principles have evolved in the last several years which allow the states to better solve the enforcement problem; and

**WHEREAS**, in 1992 the National Conference of Commissioners on Uniform State Laws promulgated the Uniform Interstate Family Support Act that was a product of the new developments and principles being used to solve interstate child support enforcement problems; and

**WHEREAS**, the Uniform Interstate Family Support Act is a comprehensive Act that can be used to enforce spousal support awards as well as child support awards; and

**WHEREAS**, it is a legislative responsibility to review laws to ensure that they are modern, understandable, and efficient and that they properly address the problems they are intended to rectify;

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

That the Legislative Council study the Uniform Interstate Family Support Act and its relationship to existing North Dakota law and determine the desirability of adopting the Act; and

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

Filed April 7, 1993

## CHAPTER 764

SENATE CONCURRENT RESOLUTION NO. 4058  
(Senators B. Stenehjem, Freborg, Mathern)  
(Representatives Dorso, Payne)

### STATE HOSPITAL STUDY

A concurrent resolution directing the Legislative Council to study the programming offered at the North Dakota State Hospital at Jamestown and the relationship of the programming to the community-based services offered throughout the state, and to include in the study an audit of the admissions procedures of the North Dakota State Hospital.

**WHEREAS**, the State Hospital at Jamestown was established under Article IX, Section 12, of the Constitution of North Dakota; and

**WHEREAS**, the State Hospital serves the mentally ill, including persons suffering from drug and alcohol addiction; and

**WHEREAS**, the State Hospital furnishes food, shelter, treatment, and support to the mentally ill to assist in restoring their mental health or alleviating their illness or suffering; and

**WHEREAS**, many of the services provided by the State Hospital are available within the communities in this state; and

**WHEREAS**, application for admission to the State Hospital must be made through regional human service centers with limited exceptions; and

**WHEREAS**, as of December 26, 1992, the State Hospital patient population included 53 people who were referred from unknown sources;

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

That the Legislative Council study the programming offered at the North Dakota State Hospital and the relationship of the programming to the community-based services offered throughout the state, and include in that study an audit of the admissions procedures 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 765

SENATE CONCURRENT RESOLUTION NO. 4059  
(Senators Tallackson, Nelson, Wogsland)  
(Representatives Freier, Oban)

### STATE OFFICE SPACE STUDY

A concurrent resolution directing the Legislative Council to study state agency office space needs, with emphasis on evaluation of whether rental of office space is the best use of state resources.

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

**WHEREAS**, the state must constantly evaluate future needs for office space and the best means of meeting those needs; and

**WHEREAS**, long-term implications of rental of office space versus construction of buildings to provide office space must be evaluated to assure that the best use is made of state resources available for meeting office space needs;

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

That the Legislative Council study state office space needs, with emphasis on evaluation of whether rental of office space is the best use of state resources; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 766

SENATE CONCURRENT RESOLUTION NO. 4060  
(Senators DeMers, Nalewaja)  
(Representatives Oban, Price)

### HOME HEALTH SERVICE STUDY

A concurrent resolution directing the Legislative Council to study the statutory definition of home health agency and home health services and develop a solution to the problems and confusion that may arise due to the state registry requirements.

**WHEREAS**, patients in need of health care may prefer to remain in their own homes or in group home settings during times of illness; and

**WHEREAS**, in-home care is becoming more readily available to residents of this state; and

**WHEREAS**, competency evaluation of an assistant to the nurse to practice in a home health care setting is required by the federal Omnibus Budget Reconciliation Act of 1989; and

**WHEREAS**, the definition of "home health agency" as contained in North Dakota Administrative Code Section 33-03-10-01 (4) and (6) does not encompass all providers of home health services;

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

That the Legislative Council study the statutory definition of home health agency and home health services and develop a solution to the problems and confusion that arise due to the state registry requirements; 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-fourth Legislative Assembly.

Filed April 7, 1993

## CHAPTER 767

SENATE CONCURRENT RESOLUTION NO. 4061  
(Senators Kelly, DeMers, Thane)  
(Representatives Rydell, Svedjan)

### HEALTH CARE FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of pooling all sources of funding for health care benefits in conjunction with the study by the North Dakota Health Task Force in exploring the control of costs and the redistribution of dollars toward improved access to services through a health care reimbursement system.

**WHEREAS**, the most significant trend in North Dakota's population has been the movement of people from rural to urban areas and the outmigration of people, particularly in the middle-aged categories; and

**WHEREAS**, it is expected that 60 percent of the state's population will reside in eight counties in the year 2000; and

**WHEREAS**, 80 percent of the state's 53 counties are within a federally designated health professional shortage area; and

**WHEREAS**, the per capita spending for health care in North Dakota in 1990 was \$2,661, which was the seventh highest per capita spending in the nation; and

**WHEREAS**, the North Dakota Health Task Force received a grant of approximately \$671,000 from the Robert Wood Johnson Foundation to study health care financing systems and health care provision mechanisms; and

**WHEREAS**, any reforms within the health care delivery system must assure reasonable access to quality, cost-effective, reasonable prices and appropriate health care services for all North Dakotans with an increased emphasis on primary care and prevention; and

**WHEREAS**, there are several different entities responsible for the provision and payment of health care services to North Dakotans, including medical assistance, private health insurance plans, employer-sponsored group health insurance plans, the Comprehensive Health Association of North Dakota and the workers' compensation system; and

**WHEREAS**, any study of health care should consider the possibility of pooling the many different sources from which health care financing is derived;

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

That the Legislative Council study the feasibility and desirability of pooling all sources of funding for health care benefits in conjunction with the study by the North Dakota Health Task Force in exploring the control of costs and the redistribution of dollars toward improved access to services through a health care reimbursement system; and

**BE IT FURTHER RESOLVED**, that the North Dakota Health Task Force provide consultation to facilitate the study by the Legislative Council; and

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

Filed March 22, 1993

## CHAPTER 768

SENATE CONCURRENT RESOLUTION NO. 4062  
(Senators Kelsh, Kinnoin)

### WEED STUDY

A concurrent resolution directing the Legislative Council to study the adequacy of current noxious weed laws, regulations, and control efforts.

**WHEREAS**, during the 1977-78 and 1979-80 interims the Legislative Council's Agriculture Committee reviewed noxious weed laws and recommended legislation establishing county weed boards as the primary noxious weed control authorities in the state; and

**WHEREAS**, during the 1991-92 interim the Legislative Council's Natural Resources Committee studied the desirability of adopting an integrated pest management law and recommended legislation allowing county weed boards to control pests as well as weeds; and

**WHEREAS**, despite current laws, regulations, and control efforts, the number of acres with noxious weed infestation doubles every 10 years; and

**WHEREAS**, continued study is necessary to review all avenues available to control and eradicate noxious weeds;

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

That the Legislative Council study the adequacy of current noxious weed laws, regulations, and control efforts; and

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

Filed March 22, 1993

## CHAPTER 769

SENATE CONCURRENT RESOLUTION NO. 4063  
(Senators Mushik, DeMers, Lindaas, Nething)  
(Representatives Rydell, Mutzenberger)

### **WOMEN'S CORRECTIONAL FACILITY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds.

**WHEREAS**, the existing women's correctional facility is on the grounds of the State Penitentiary; and

**WHEREAS**, the State Penitentiary is in need of additional space for inmates; and

**WHEREAS**, numerous problems have occurred along with corresponding cost increases because the State Penitentiary has both male and female inmates at the same location; and

**WHEREAS**, a separate correctional facility for women off the State Penitentiary grounds may be less expensive; and

**WHEREAS**, there may be unused space at other state institutions which could be converted at a lower cost than the cost of new construction for a women's correctional facility;

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

That the Legislative Council conduct a study to determine the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 770

SENATE CONCURRENT RESOLUTION NO. 4064  
(Senators Mushik, Nelson, Wogsland)  
(Representatives Hausauer, Oban)

### AGENCY REPORT STUDY

A concurrent resolution directing the Legislative Council to study the desirability and necessity of requiring various state agencies to prepare and publish annual or biennial reports, including an analysis of the cost of preparing, printing, and distributing the reports.

**WHEREAS**, various state agencies, departments, and institutions are required by law to prepare and publish annual or biennial reports to the Governor and the Legislative Assembly; and

**WHEREAS**, the contents of the reports may be of limited assistance to the Governor and the Legislative Assembly and much of the information contained in the reports may be available from other sources; and

**WHEREAS**, numerous reports, scattered throughout the North Dakota Century Code without uniform reporting requirements, are required of state agencies; and

**WHEREAS**, it may be more practical, efficient, and effective for reporting requirements to be contained in one section of the North Dakota Century Code;

**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 necessity of requiring various state agencies to prepare and publish annual or biennial reports, including an analysis of the cost of preparing, printing, and distributing the reports; and

**BE IT FURTHER RESOLVED**, that the Legislative Council study the feasibility and desirability of placing all state agency report requirements in one section of the North Dakota Century Code; and

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

Filed March 22, 1993

## CHAPTER 771

SENATE CONCURRENT RESOLUTION NO. 4065  
(Senators Dotzenrod, Graba, Lindgren)

### HOME RULE STUDY

A concurrent resolution directing the Legislative Council to study the relationship of state, county, and city government to determine the feasibility and desirability of expanding autonomy of counties and cities through statewide county and city home rule.

**WHEREAS**, since territorial days county and city governments have operated within the confines of laws enacted by the Legislative Assembly and under traditional court interpretations of local government powers, to the effect that a county or city has only those powers expressly granted by state law or necessarily implied from the grant and any doubt as to the existence of a power must be resolved against the existence of that power; and

**WHEREAS**, changing conditions necessitate pleas to the Legislative Assembly when state law must be created or amended to allow counties or cities to take action to meet new conditions; and

**WHEREAS**, a goal of a constitutional amendment approved by the voters in 1982 was to provide for "maximum local self-government by all political subdivisions" and legislation has provided for optional adoption of county and city home rule charters; and

**WHEREAS**, enactment of state law that provides a basic framework of home rule for all counties and cities, which may be altered by electors of each county or city, may be desirable, on a permanent basis or on a four-year trial basis; and

**WHEREAS**, thorough study of the relationship of the state and its counties and cities is needed to compare current law and the potential benefits of expanded autonomy under home rule and to review laws of other states and recommendations of national organizations which may offer guidance;

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

That the Legislative Council study the relationship of state, county, and city government to determine the feasibility and desirability of expanding the autonomy of counties and cities through statewide county and city home rule; and

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

Filed April 7, 1993

## CHAPTER 772

SENATE CONCURRENT RESOLUTION NO. 4066  
(Senators Robinson, Kelsh)  
(Representatives Gerntholz, Laughlin)

### **AGRICULTURAL PARITY PRICE STUDY**

A concurrent resolution directing the Legislative Council to study the impact on the state's economy of parity prices for various agricultural commodities.

**WHEREAS**, the economic viability of the agricultural sector is directly dependent upon the ability of individual producers to secure a reasonable rate of return on their investments and a reasonable price for their commodities; and

**WHEREAS**, the economic viability of the agricultural sector directly impacts the livelihood of many North Dakota residents and the state's tax revenues; and

**WHEREAS**, the economic viability of the agricultural sector affects its ability to produce essential foods for domestic and foreign consumption;

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

That the Legislative Council study the impact on the state's economy of parity prices for agricultural commodities, including wheat, corn, soybeans, sugar, rice, barley, grain sorgum, dry edible beans, oats, sunflowers and other oilseed crops, beef, pork, poultry, eggs, fruits, nuts, vegetables, cotton and other fiber crops, and milk; and

**BE IT FURTHER RESOLVED**, that North Dakota State University shall furnish such information and render such assistance to the Legislative Council as the Council may request; 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-fourth Legislative Assembly; and

**BE IT FURTHER RESOLVED**, that the Legislative Council forward its report to all members of the North Dakota Congressional Delegation.

Filed March 22, 1993

## CHAPTER 773

SENATE CONCURRENT RESOLUTION NO. 4067  
(Senators Mushik, Evanson, Kelly, Lindgren)  
(Representatives Kaldor, Rydell)

### **SINGLE PARENT INDEPENDENCE STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing a program to assist single parents and their children in becoming independent of the social service system.

**WHEREAS**, the number of children born to single mothers in North Dakota, in 1991, was at the highest rate recorded; and

**WHEREAS**, the number of children born to single mothers and the percentage of births to single mothers continues to increase each year for all age groups and races; and

**WHEREAS**, 50.4 percent of single mothers in this state lived below the poverty level in 1990; and

**WHEREAS**, children born to single mothers are at greater risk of living in poverty and of having difficulty in school than children born to a married couple; and

**WHEREAS**, the increasing rate of pregnancies of single women has grave implications for North Dakota due to increased demands for social and educational services coupled with the likely prospect of a generation less able to compete in the world economy;

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

That the Legislative Council study the feasibility and desirability of developing a program to assist single parents and their children in becoming independent of the social service system; and

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

Filed March 22, 1993

## CHAPTER 774

SENATE CONCURRENT RESOLUTION NO. 4068  
(Senators Tomac, Krauter)

### **MEDICAL ASSISTANCE AND TAX POLICY STUDY**

A concurrent resolution directing the Legislative Council to study gift and estate tax laws and their relationship to medical assistance payments.

**WHEREAS**, persons of advanced age or poor health may transfer their assets to friends and relatives to render themselves eligible for medical assistance payments; and

**WHEREAS**, medical assistance payments are a substantial expenditure of public expenditures and the state should examine whether changes in the application of gift and estate tax laws could reduce the expenditure of state funds for medical assistance payments; and

**WHEREAS**, the intent of laws providing for medical assistance payments is that assistance should be available only for those who are unable to pay and laws should provide a better means for distinguishing those who are able to pay their own medical expenses;

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

That the Legislative Council study gift and estate tax laws and their relationship to medical assistance payments; 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-fourth Legislative Assembly.

Filed April 7, 1993

## CHAPTER 775

SENATE CONCURRENT RESOLUTION NO. 4070  
(Senators Mushik, Andrist, Yockim)

### NONPROFIT CORPORATION LAWS STUDY

A concurrent resolution directing the Legislative Council to study open records, open meetings, and bidding laws for nonprofit corporations and organizations.

**WHEREAS**, open records and open meetings have long been established as a matter of public policy in North Dakota; and

**WHEREAS**, statutes enacted in 1957 provide that all governmental meetings and records must be open and accessible to the public except as otherwise specifically provided by law; and

**WHEREAS**, the voters of this state have approved constitutional amendments mandating open governmental meetings and open public records, subject to statutory exceptions; and

**WHEREAS**, there remains confusion concerning the types of records and meetings of nongovernmental groups that are open to the public; and

**WHEREAS**, a number of nonprofit corporations and organizations receive a direct allocation of public funds and expend those public funds for a wide variety of purposes; and

**WHEREAS**, certain nonprofit corporations or organizations may have meaningful and legitimate reasons for claiming an exception to open meeting and record provisions; and

**WHEREAS**, there is a need to recognize conflicting rights in certain areas of governmental activity, particularly those dealing with information regarding the expenditure of public funds;

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

That the Legislative Council is directed to study the subject of open meetings, open records, and bidding laws for nonprofit corporations and organizations, including a review of all nonprofit corporations and organizations that expend public funds; and

**BE IT FURTHER RESOLVED**, that the Legislative Council seek the assistance of representatives of the North Dakota media, nonprofit corporations and organizations, and state and local governments to assist 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 Fifty-fourth Legislative Assembly.

Filed April 7, 1993

## CHAPTER 776

SENATE CONCURRENT RESOLUTION NO. 4071  
(Senators Scherber, Holmberg, Krauter)  
(Representatives Boucher, Porter, Ring)

### **MILITARY FACILITY CLOSURE STUDY**

A concurrent resolution directing the Legislative Council to study and monitor the social economic impact of defense-related downsizing, closures, and loss of federal contracts.

**WHEREAS**, three military installations, located at Cavalier, Finley, and Dickinson; six defense contractors - Turtle Mountain Manufacturing, Northrop Dakota Manufacturing, Lucas Western, Sioux Manufacturing, Turtle Mountain Corporation, and Mandaree Electric Corporation; and numerous National Guard armories may be adversely affected by closure or loss of federal contracts in the next two years; and

**WHEREAS**, local communities and the Department of Economic Development and Finance may be involved in assessing the social economic impacts stemming from cutbacks or closures; and

**WHEREAS**, the Department of Economic Development and Finance may be called upon to assist in mitigating the impacts of defense cutbacks in affected North Dakota communities; and

**WHEREAS**, our local communities and the Department of Economic Development and Finance may access federal economic conversion moneys to cope with economic problems caused by possible declines in defense spending;

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

That the Legislative Council study and monitor the social economic impact of defense-related downsizing, closures, or loss of federal contracts during the interim; receive reports from the Department of Economic Development and Finance regarding federal funding for economic conversion; and receive reports from the Department of Economic Development and Finance, regions, and communities on efforts made to assist in economic conversion and diversification; 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-fourth Legislative Assembly.

Filed March 22, 1993

## CHAPTER 777

SENATE CONCURRENT RESOLUTION NO. 4072  
(Senators Nelson, Wogsland)  
(Approved by the Delayed Bills Committee)

### GARRISON DIVERSION STATE ROLE

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, water supply, recreation, hydroelectric, and navigation benefits; and

**WHEREAS**, during the past 49 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**, the Garrison Diversion Unit will provide a capability to stabilize Devils Lake and fulfill the Indian Trust; 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 into nonsurplus crop production; and

**WHEREAS**, over 100 rural communities have applied for assistance in developing water supplies which meet the federal water quality standards; and

**WHEREAS**, through the cooperation and efforts of the state of North Dakota, the wetland and the fish and wildlife mitigation programs are substantially ahead of project development; and

**WHEREAS**, continued federal delay of 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**, all elements of the program are to be considered interdependent and, thus, developed and maintained concurrently; and

**WHEREAS**, the state of North Dakota is committed to completion of the Principal Supply Works to provide initial deliveries of Missouri River waters to the Sheyenne, Red, and James Rivers, and the Devils Lake basin by the year 2000; and

**WHEREAS**, the Legislative Assembly anticipates a potential need for the state of North Dakota and the Garrison Diversion Conservancy District to assume a greater role in developing, constructing, operating, and maintaining the Garrison Diversion Project; and

**WHEREAS**, the Legislative Assembly also anticipates a potential need for the state of North Dakota to enter agreements 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-third 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 work together to investigate and explore, with the appropriate federal officials, all reasonable means to assure the development, construction, operation, and maintenance of the Garrison Diversion Project in a timely manner, and to continue the diplomatic and working relationships with the neighboring provinces in order to identify a satisfactory means of solving our mutual water supply problems; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the board of directors of the Garrison Diversion Conservancy District, the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation.

Filed April 13, 1993

## CHAPTER 778

SENATE CONCURRENT RESOLUTION NO. 4073  
(Senator Goetz)  
(Approved by the Delayed Bills Committee)

### **ROUGH RIDER INDUSTRIES STUDY**

A concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector.

**WHEREAS**, Roughrider Industries manufactures a complete line of office furniture, metal products, street and highway signs, and vehicle license plates, all of which may be candidates for production and sale by the private sector; and

**WHEREAS**, Roughrider Industries is planning on expanding its furniture manufacturing division to produce a line of furniture that would be mainly available exclusively to retailers and has additional plans to expand to out-of-state markets; and

**WHEREAS**, the economic climate of the state and recent budgetary constraints necessitate an evaluation of the cost effectiveness of products produced by Roughrider Industries which may be in direct competition with products produced by the private sector; and

**WHEREAS**, careful consideration and study should be given before the public sector expands its product production capabilities that are in direct competition with private sector production capabilities; and

**WHEREAS**, inmate labor has a long history in American corrections and state correctional industries vary across the nation and are worthy of review; and

**WHEREAS**, there may be alternative concepts of rehabilitation available to the state rather than permitting Roughrider Industries to continue or expand its present operations;

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

That the Legislative Council study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector including a review of the mission of Roughrider Industries, correctional industries in other states, and the cost components and pricing structure of prison manufactured products; 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-fourth Legislative Assembly.

## CHAPTER 779

### SENATE CONCURRENT RESOLUTION NO. 4074

(Senators Nalewaja, Grindberg, Kelly, Lindgren, Mathern, Nelson,  
Scherber, Tennefos)

(Representatives Nelson, Gorman, Austin, Belter,  
J. Berg, R. Berg, Bernstein, Brodshaug, A. Carlson,  
Christopherson, Dalrymple, Dorso, Holm, Payne, Pyle, Soukup)  
(Approved by the Delayed Bills Committee)

## BISON WOMEN'S BASKETBALL CHAMPIONS

A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1993 NCAA Division II national championship.

**WHEREAS**, the North Dakota State University Bison women's basketball team captured the NCAA Division II championship by scoring a record 95 points while racking up a decisive victory in the championship game; and

**WHEREAS**, members of the North Dakota State University Bison women's basketball team were honored with numerous individual awards including the Division II women's basketball coach of the year award for Bison coach Amy Ruley, most valuable player of the national championship tournament for the second time in her career and all-American honors for Nadine Schmidt, all-American honors for Jody Buck, and an all-American nomination for Jackie Parsley, and the seniors on this year's team have compiled an amazing 115-13 record while winning two national championships in their four seasons to establish a tradition of excellence for the North Dakota State University Bison women's basketball program; and

**WHEREAS**, this team, distinguished by individual awards and talented individual athletes, displayed exemplary teamwork and sharing in pursuit of its goal that was realized by winning the 1993 NCAA Division II women's basketball championship and compiling a season record of 30 wins and two losses, a performance of which North Dakotans are extremely proud;

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

That the Fifty-third Legislative Assembly takes pride in extending to all members and coaches of the North Dakota State University Bison women's basketball team its heartiest congratulations for winning the 1993 NCAA Division II women's national basketball championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to each member of the North Dakota State University Bison women's basketball team, to each of their coaches, and to the president of North Dakota State University, home of the Bison.

Filed April 7, 1993

## CHAPTER 780

SENATE CONCURRENT RESOLUTION NO. 4075  
(Senators Keller, Graba, Nalewaja)  
(Representatives Nichols, Tollefson, Stenehjem)  
(Approved by the Delayed Bills Committee)

### **LAW ENFORCEMENT AND EMERGENCY SERVICE STUDY**

A concurrent resolution directing the Legislative Council to study methods for funding state, county, and city law enforcement, correctional, and emergency medical technician training facilities and programs and the feasibility and desirability of establishing centralized training for law enforcement, correctional, emergency medical assistance personnel, and other emergency service providers.

**WHEREAS**, adequate training facilities and programs are essential to ensuring the competence and professionalism of law enforcement, correctional, and emergency assistance 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 peace officers, game wardens, parole and probation officers, correctional officers, Bureau of Criminal Investigation agents, Highway Patrol officers, and emergency medical technicians in this state may require increased funding and the methods for providing adequate funding are uncertain; and

**WHEREAS**, a centralized training agency and facility for law enforcement, correctional, and emergency medical assistance personnel may be a desirable way to promote effective and efficient training for state, county, and city personnel;

**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 feasibility and desirability of establishing centralized training for law enforcement, correctional, emergency medical assistance personnel, and other emergency service providers; 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-fourth Legislative Assembly.

Filed April 20, 1993