

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 715

HOUSE CONCURRENT RESOLUTION NO. 3001
(Legislative Council)
(Interim Administrative Rules Committee)

ADMINISTRATIVE AGENCY RULEMAKING AND APPEALS STUDY

A concurrent resolution directing the Legislative Council to study the statutes governing the rulemaking procedures and grants of rights of appeal from decisions of administrative agencies.

WHEREAS, the 1979-80 interim Administrative Rules Committee recommended a revision of the definition of administrative agency as used in the Administrative Agencies Practice Act (North Dakota Century Code Chapter 28-32); and

WHEREAS, the revised definition eliminated the requirement that statutes outside of Chapter 28-32 provide a separate right of appeal from decisions of administrative agencies; and

WHEREAS, that committee's intent and objective in revising the definition of administrative agency was correctly applied by the North Dakota Supreme Court in Hammond v. North Dakota State Personnel Board, 332 N.W.2d. 244 (N.D. 1983), by construing Section 28-32-15 as granting a right of appeal from final decisionmaking of administrative agencies, without the necessity that a right of appeal be provided by other statutes; and

WHEREAS, the analysis provided by the North Dakota Supreme Court may also apply to determine that an administrative agency has rulemaking authority under Section 28-32-02, without a separate statutory provision granting rulemaking authority; and

WHEREAS, several statutes throughout the North Dakota Century Code concerning administrative agencies and programs of administrative agencies may refer to rights of appeal and to rulemaking authority and procedures; and

WHEREAS, the presence of these provisions outside of Chapter 28-32 is confusing and may lead to questions as to the correct application of Chapter 28-32 with respect to the rulemaking and adjudicatory practices of state agencies, as well as the right of appeal from decisionmaking of administrative agencies;

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

That the Legislative Council is directed to study the statutes governing rulemaking authority and procedures of state agencies, as well as the statutes granting rights of appeal from decisions of state agencies, with emphasis on standardizing rulemaking and appeals procedures by deleting such provisions in recognition of the provisions of the Administrative Agencies Practice 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 Fiftieth Legislative Assembly.

Filed March 12, 1985

CHAPTER 716

HOUSE CONCURRENT RESOLUTION NO. 3002
(Legislative Council)
(Interim Agriculture Committee)

FHA LIMITED RESOURCE LOAN PROGRAMS

A concurrent resolution urging Congress to review the Farmers Home Administration's limited resource loan programs and provide for more Farmers Home Administration personnel.

WHEREAS, the Farmers Home Administration is required to designate at least a certain percentage of their allocated farm ownership and operating loan funds for limited resource farmers; and

WHEREAS, this percentage need only be met on a statewide basis; and

WHEREAS, certain inequities and problems have arisen with the administration of limited resource loans in several counties in North Dakota due to the minimum allocations being made on a statewide basis; and

WHEREAS, the funds allocated by the Farmers Home Administration to the limited resource loan programs are not uniformly distributed on a county-by-county basis; and

WHEREAS, there appears to be an inadequate number of trained Farmers Home Administration personnel at the county level to administer properly the loan programs of the Farmers Home Administration;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to review the Farmers Home Administration limited resource loan programs and provide for a more uniform and equitable distribution of benefits by requiring state offices of the Farmers Home Administration to allocate at least 20 percent of their farm ownership and operating loans to limited resource loan applicants upon a county-by-county basis; and

BE IT FURTHER RESOLVED, that the Congress of the United States appropriate additional funds to the Farmers Home Administration to be used at the county level to hire personnel to administer loan programs; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the national director of the Farmers Home Administration, the state director of the Farmers Home Administration in North Dakota, the chairmen of the Senate and House Committees on Agriculture, and each member of the North Dakota Congressional Delegation.

Filed February 18, 1985

CHAPTER 717

HOUSE CONCURRENT RESOLUTION NO. 3005 (Legislative Council) (Interim Natural Resources Committee)

FEDERAL PAYMENTS IN LIEU OF TAXES

A concurrent resolution urging the Congress of the United States to appropriate sufficient moneys to pay 100 percent of the payments in lieu of taxes under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976.

WHEREAS, the federal government has acquired in this state land in fee for migratory bird sanctuaries, the national park system, the national forest system, water resource development projects, and other uses; and

WHEREAS, under the federal Migratory Bird Conservation Act the federal government through the Fish and Wildlife Service has acquired approximately 418,570 acres of fee lands in North Dakota for national wildlife refuges and waterfowl production areas and has acquired under other federal programs and agencies approximately 1.7 million additional acres of fee lands in this state; and

WHEREAS, the acquisition of these fee lands has resulted in the loss of tax revenues to counties in North Dakota because of the removal of these fee lands from the tax base; and

WHEREAS, under the federal Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976, the federal government is to make payments in lieu of taxes to these affected counties to ameliorate the effects of the diminished tax base; and

WHEREAS, revenue received by the United States from these fee lands along with congressional appropriations have not been sufficient to pay 100 percent of the entitlements to these counties under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976; and

WHEREAS, the counties affected by these fee acquisitions are entitled to receive the full benefit of the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976 to ameliorate the effects of the loss of the tax base resulting from federal fee land acquisitions;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to appropriate moneys in the future sufficient to pay 100 percent of the payments in lieu of taxes under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976; 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 of the United States, the chairman of the Senate Appropriations Committee, the chairman of the House of Representatives Appropriations Committee, the Secretary of the Interior, the President of the United States, and each member of the North Dakota Congressional Delegation.

Filed February 13, 1985

CHAPTER 718

HOUSE CONCURRENT RESOLUTION NO. 3006
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

PUBLIC EMPLOYEE RETIREMENT PROGRAMS COMMITTEE JURISDICTION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of expanding the jurisdiction of the Legislative Council's Committee on Public Employees Retirement Programs to include all fringe benefits for state employees.

WHEREAS, one of the purposes of employee fringe benefit programs is to allow the employer to provide a full and appropriate range of compensation to encourage the retention of qualified career employees; and

WHEREAS, fringe benefit programs offered by the state for its employees include a retirement program; deferred compensation program; health, medical, and life insurance coverage; and annual and sick leave benefits; and

WHEREAS, it is in the best interests of the state to provide fringe benefits for state employees in a manner which allows the state to use its resources in the most efficient manner and results in the best possible benefits for state employees; and

WHEREAS, to provide state employee fringe benefits in a manner which best benefits the state and its employees, it is necessary to coordinate fringe benefit programs; and

WHEREAS, the Legislative Council's Committee on Public Employees Retirement Programs has substantial review authority and experience with respect to proposed legislation affecting public employee retirement programs; and

WHEREAS, the Legislative Council's Committee on Public Employees Retirement Programs has, through the years, developed expertise in dealing with public employees on the issues regarding public employee retirement programs;

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

That the Legislative Council is directed to study the feasibility and desirability of increasing the jurisdiction of the Committee on Public Employees Retirement Programs to include all fringe benefit programs for state employees; 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 Fiftieth Legislative Assembly.

Filed March 12, 1985

CHAPTER 719

HOUSE CONCURRENT RESOLUTION NO. 3007
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

PUBLIC EMPLOYEE RETIREMENT FUNDS CONSOLIDATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the various public employee retirement funds in the state.

WHEREAS, it is in the best interests of the state and its political subdivisions to provide adequate retirement programs for the benefit of their public employees; and

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

WHEREAS, state law authorizes many public employee retirement programs, including the Public Employees Retirement System, the Teachers' Fund for Retirement, TIAA-CREF, the Highway Patrolmen's Retirement System, the Alternate Firemen's Relief Association Retirement Plan, city police retirement plans, and city employee retirement plans; and

WHEREAS, it is possible these numerous retirement programs are not being administered in a consistent and effective manner; and

WHEREAS, there is a need to examine the rationale and desirability of having different levels of retirement benefits for the various classes of public employees in the state; and

WHEREAS, the consolidation of the various retirement programs in the state may result in more effective management and investment of public employee retirement funds for the overall benefit of public employees in the state;

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

That the Legislative Council study the feasibility and desirability of consolidating the public employee retirement programs in the state, including the Public Employees Retirement System, the Teachers' Fund for Retirement, the Highway Patrolmen's Retirement System, TIAA-CREF, the Alternate Firemen's Relief Association Retirement System, city police retirement plans, and city employee retirement plans, with consideration being given to the desirability of having differing benefit levels for different public employee classes;

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

Filed March 12, 1985

CHAPTER 720

HOUSE CONCURRENT RESOLUTION NO. 3008
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

PUBLIC EMPLOYEE RETIREMENT PROGRAMS ACTUARIAL STANDARDS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of imposing actuarial reporting and evaluation standards on all public employee retirement programs in the state.

WHEREAS, it is in the best interest of the state and its political subdivisions to ensure that retirement programs provided for the benefit of public employees remain in a sound actuarial and financial condition; and

WHEREAS, to ensure the continued actuarial soundness and financial stability of public employee retirement programs in the state, it is necessary for public employees to have access to sufficient information concerning their retirement programs to make sound judgments concerning those programs; and

WHEREAS, to ensure the continued soundness of these public employee retirement programs, it is also important that periodic, complete, and uniform evaluations be performed to allow current and consistent appraisal of the condition of those programs; and

WHEREAS, no state or federal law requires public employee retirement programs to provide such information to members of public employee retirement programs or requires periodic and standard actuarial and financial evaluations; and

WHEREAS, without this information it is impossible to know whether any particular retirement program is in sound condition;

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

That the Legislative Council conduct a study of the feasibility and desirability of imposing uniform information reporting and evaluation standards on all public employee retirement programs in the state;

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

Filed March 12, 1985

CHAPTER 721

HOUSE CONCURRENT RESOLUTION NO. 3009
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

PUBLIC EMPLOYEE RETIREMENT PROGRAMS ACTUARIAL SOUNDNESS STUDY

A concurrent resolution directing the Legislative Council to study the actuarial soundness and financial status of public employee retirement programs authorized by state law for employees of political subdivisions.

WHEREAS, state law authorizes political subdivisions to establish retirement programs for their public employees, including retirement programs for city employees, city police, firemen, county employees, and noncertified employees of school districts; and

WHEREAS, political subdivision public employee retirement programs exist to assist political subdivision employees financially when they reach retirement age and also serve to aid political subdivisions in retaining qualified career employees; and

WHEREAS, it is essential that existing retirement programs for political subdivision employees remain in a sound actuarial and financial condition in order to meet the purposes of the programs; and

WHEREAS, retirement programs for employees of political subdivisions are not required to be reviewed for actuarial soundness by any state or local authority; and

WHEREAS, certain retirement programs for public employees of some political subdivisions in this state are experiencing actuarial funding problems; and

WHEREAS, there is a potential that other political subdivision public employee retirement programs may also be experiencing funding problems;

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

That the Legislative Council study the actuarial soundness and financial stability of public employee retirement programs offered by political subdivisions authorized under state law; and

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

CHAPTER 722

HOUSE CONCURRENT RESOLUTION NO. 3010
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

FIREMEN'S RELIEF ASSOCIATION RETIREMENT PROGRAMS SOUNDNESS STUDY

A concurrent resolution directing the Legislative Council to study the actuarial soundness of the Alternate Firemen's Relief Association retirement programs under North Dakota Century Code Chapter 18-11.

WHEREAS, the Fargo Alternate Firemen's Relief Association Retirement Plan is experiencing a serious funding deficiency; and

WHEREAS, the funding problems of the Fargo Alternate Firemen's Relief Association is, in part, due to the existence of certain cost-of-living adjustment provisions in North Dakota Century Code Chapter 18-11; and

WHEREAS, the Bismarck Alternate Firemen's Relief Association Retirement Plan is also authorized under North Dakota Century Code Chapter 18-11 and there exist some questions concerning the actuarial soundness of that firemen's retirement system; and

WHEREAS, there is a need to examine possible legislative solutions, if necessary, to ensure the actuarial soundness of these retirement funds;

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

That the Legislative Council conduct a comprehensive study of the Alternate Firemen's Relief Association Retirement Plans in existence, as authorized under North Dakota Century Code Chapter 18-11, including an actuarial valuation of the systems, if necessary, for the purpose of determining whether any legislative changes or corrections are necessary to ensure the actuarial soundness of these retirement funds; and

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

Filed March 12, 1985

CHAPTER 723

HOUSE CONCURRENT RESOLUTION NO. 3011
(Legislative Council)
(Interim Committee on Public Employees Retirement Programs)

**PUBLIC EMPLOYEE RETIREMENT HEALTH CARE
STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a prefunded retirement health care plan for public employees through the state uniform group insurance plan.

WHEREAS, health care costs in this country have been increasing during recent years with a resulting rise in health care insurance costs; and

WHEREAS, these rising health care insurance costs have a negative impact on the financial resources of retired public employees in this state; and

WHEREAS, while public employees are allowed to remain as members of the state uniform group insurance plan after retirement, the premiums for even this group coverage often strains the financial resources of retired public employees; and

WHEREAS, an alternative method of assisting public employees to cover the financial costs of health and medical insurance premiums is to establish a state prefunded retirement health care program for public employees to which public employees could contribute during their working years;

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

That the Legislative Council conduct a study of the feasibility and desirability of establishing a prefunded retirement health care program for public employees in the state within the state uniform group insurance plan; 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 Fiftieth Legislative Assembly.

Filed March 20, 1985

CHAPTER 724

HOUSE CONCURRENT RESOLUTION NO. 3012 (Representatives Strinden, Mertens) (Senators Nething, Heigaard)

POSITION ON GARRISON DIVERSION PROJECT

A concurrent resolution advising the Garrison Diversion Unit Commission of the Legislative Assembly's position on plans for the Garrison Diversion Project now being considered by the commission.

WHEREAS, the North Dakota Legislative Assembly, representing all the people and all the interests of the state, views a sound water resource development program of Missouri River water diversion as basic to the long-term aspirations of North Dakota to accommodate residential growth and improve economic well-being through agriculture and industry; and

WHEREAS, North Dakota has sacrificed the economic gross product of 840 square miles of its choice Missouri River bottomland at an annual loss of \$131 million in economic gross product so that the Pick-Sloan Program can provide flood control, river navigation, and low cost hydroelectric power of most benefit to downstream states; and

WHEREAS, North Dakota's effort to obtain the 1,007,000 acres of irrigation promised in the Flood Control Act of 1944 to offset this state's sacrifice has been challenged by interests fearing a reduction in the production of wild waterfowl, and those who seek to prevent upstream Missouri River water diversion; and

WHEREAS, the Congress of the United States has created the Garrison Diversion Unit Commission to compromise differences between those who fear a reduction in the production of wild waterfowl and those who seek implementation of a North Dakota water development and management program to serve the long-term interests of irrigation, municipal and industrial use, and recreation as well as wild waterfowl habitat enhancement; and

WHEREAS, the Garrison Diversion Unit Commission will meet in Minot, December 13, 1984, to draw up its final recommendations to Congress;

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

That the 49th Session of the North Dakota Legislative Assembly meeting in special session in Bismarck, December 6, 1984, does by this resolution advise the Garrison Diversion Unit Commission as follows:

1. The Legislative Assembly recognizes that North Dakota's vast 32 million acre pothole region has great advantages in the production of wild waterfowl and the state has certain Central Flyway obligations, consequently the Legislative Assembly continually reviews, establishes, and adjusts laws and programs relating to the production and protection of wild waterfowl, and regards such wild waterfowl production in its rightful context as an integral and important part of this state's water resource development and management, but not an integral part that is dominant to the detriment of other beneficial water users.
2. The Legislative Assembly recognizes the need for North Dakota to consider the interests of adjacent Canadian provinces and the need to cooperate with them in our mutual and reciprocal interests, and that our Canadian relationship is under continuing legislative review and adjustment regarding such diverse activities as Canadian hydroelectric transmission and sales in and across the state, Canadian air and water pollution from border developments, sale of Canadian fresh and frozen fish outside of the Hudson Bay drainage in the state, and water resource development including irrigation in the United States-Canadian drainage in the state.
3. The Legislative Assembly recognizes that state lines do not determine the configuration of the projects in the 10-state Pick-Sloan Program, and that those upstream states making an annual sacrifice to provide Pick-Sloan Program benefits downstream include South Dakota, which has a legitimate claim to water development in that state through the continuation of the James River portion of the Garrison Diversion Project.
4. Any final decision that places a limit on North Dakota's potential for ultimate beneficial use and management of this state's share of Missouri River water caused by the elimination of the full design and construction of the Lonetree Reservoir and the Taayer Reservoir or an alternative regulating reservoir is unacceptable.
5. Any final decision that removes South Dakota's legitimate potential for ultimate use and management of a share of Missouri River water through elimination of the Lonetree

- Reservoir and the Taayer Reservoir or an alternative regulating reservoir is unacceptable.
6. Any final decision that would eliminate Lonetree Reservoir because of Canadian opposition would cause an unresolved difference between Manitoba and North Dakota to fester forever, which would adversely affect relations between us on a host of matters. This state's use of Missouri River water in the United States-Canadian drainage can and will be resolved to Canada's satisfaction in time.
 7. Any final decision that attempts to solve future large-scale municipal and industrial water demand, caused by growth and industrial development, by pipelines the size of which establishes maximum future growth, and the costs of installation, operation, maintenance, and eventual replacement of which would be excessive, is unacceptable as a substitute for the thoroughly engineered and designed project which includes the full design and construction of the Lonetree Reservoir.
 8. Any final decision that eliminates Lonetree Reservoir and a regulating reservoir on the lower James River as features of water development and management in North Dakota, in order to make the dominant mission of water development in this state that of wild waterfowl production, is unacceptable.
 9. The North Dakota Legislative Assembly does fully endorse and approve the efforts of the Governor and the Garrison Diversion Conservancy District to have accepted as the Garrison Diversion Unit Commission's final decision the "North Dakota Plan" for development of the Garrison Diversion Unit calling for the potential irrigation of 303,000 acres of irrigation and other multiple uses, and in addition, any associated development, protection, and management for stabilized and enhanced wild waterfowl production, insulated where possible from the wide swings in wild waterfowl production caused by the ever recurring wet-dry cycles.
 10. The Legislative Assembly believes that an equitable compromise consists of two opposing sides achieving their objectives. The National Audubon Society can achieve its objectives of protecting and enhancing the annual wild waterfowl production in North Dakota without crippling and making unworkable the Garrison Diversion Project. The state of North Dakota can achieve the Garrison Diversion Project objective without reducing wild waterfowl production. Any compromise which destroys the objectives of either of the opposing sides is not a compromise. Elimination of the Lonetree Reservoir and a regulating reservoir on the lower James River would make the Garrison Diversion Project so engineeringly unworkable,

environmentally and economically unsound and so limiting in potential for ultimate development as to be unacceptable; and

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

Filed December 6, 1984

CHAPTER 725

HOUSE CONCURRENT RESOLUTION NO. 3013 (Representatives Riley, Moore) (Senator Peterson)

SID CICHY CONGRATULATED

A concurrent resolution congratulating former Fargo Shanley High School football coach Sid Cichy on being inducted into the National High School Sports Hall of Fame.

WHEREAS, Sid Cichy has been recognized nationally and in this state for his success as football coach at Shanley High School in Fargo; and

WHEREAS, Sid Cichy during his coaching career at Shanley High School accumulated a record of 231 wins, 38 losses, and three ties and also acquired 13 state football championships and two co-championships from 1950 through 1977; and

WHEREAS, Sid Cichy coached Shanley High School football teams that were named the State Associated Press Team of the Year five times; he has been named State Coach of the Year numerous times; and he was named National Football Coach of the Year in 1975 and Kellogg's Upper Midwest Coach of the Year in 1977; and

WHEREAS, Sid Cichy, because of his accomplishments as Shanley High School football coach, was officially inducted into the National High School Sports Hall of Fame at Milwaukee, Wisconsin, on Tuesday, December 11, 1984;

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

That the Forty-ninth Legislative Assembly of the State of North Dakota extends its sincere congratulations to Mr. Sid Cichy on being named to the National High School Sports Hall of Fame; and

BE IT FURTHER RESOLVED, that the Secretary of State forward ten copies of this resolution to Mr. Sid Cichy.

Filed February 20, 1985

CHAPTER 726

HOUSE CONCURRENT RESOLUTION NO. 3016

(Representatives O. Hanson, Nicholas)

(Senators Thane, Vosper, Tweten)

FARM INDUSTRY CRISIS

A concurrent resolution urging Congress to enact, and urging the United States Department of Agriculture, the Farm Credit Association, and the Farmers Home Administration to enforce, legislation to alleviate the crisis in the farm industry in this country.

WHEREAS, 23 million Americans, or 22 percent of the total United States work force, earn their livings in the farm food or fiber industry; and

WHEREAS, high interest rates, the unavailability of farm credit, low farm product prices, devalued land, and the strong United States dollar have resulted in a farm credit crisis for many farmers; and

WHEREAS, the total interest cost for North Dakota farmers rose 78 percent from 1979 through 1982, while farm income fell one percent during the same time period; and

WHEREAS, farmers cannot continue to sell their commodities for less than the cost of production; and

WHEREAS, this farm credit crisis has caused record numbers of farm foreclosures and farm auctions across the United States; and

WHEREAS, the number of farms in North Dakota and nationwide has declined drastically and is expected to continue to fall one percent per year during the coming decade; and

WHEREAS, the farm credit crisis is having an adverse effect upon all sectors of the United States economy and is adversely affecting every state in the union; and

WHEREAS, federal action is necessary due to the broad nature of this problem;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to enact legislation to alleviate the crisis in the farm industry in this country and urges the United States Department of Agriculture and all other federal agencies to enforce any legislation enacted to alleviate the crisis in the farm industry, and to prevent the extinction of the American farmer; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the United States Secretary of Agriculture, the Farm Credit Association, the Farmers Home Administration, the chairmen of the Senate and House Committees on Agriculture, and each member of the North Dakota Congressional Delegation.

Filed February 18, 1985

CHAPTER 727

HOUSE CONCURRENT RESOLUTION NO. 3019
(Representatives Unhjem, DeMers)
(Senators Heinrich, Lashkowitz)

**PERSECUTION OF BAHA'I FAITHFUL
CONDEMNED**

A concurrent resolution condemning the persecution of members of the Baha'i faith by the government of Iran.

WHEREAS, the civilized peoples of the world are increasingly alarmed and appalled at the persecution and severe repression of the Baha'is in Iran; and

WHEREAS, since the 1979 revolution in Iran, more than 170 prominent members of the Baha'i faith have been assassinated or executed, and more than 700 members are currently imprisoned; and

WHEREAS, since the 1979 revolution in Iran, all Baha'i holy places, properties, and cemeteries have been confiscated or destroyed; and

WHEREAS, hundreds of Baha'is have been dismissed from their jobs or deprived of their business and trade licenses and seizure of members' bank funds and destruction of members' personal property have been widespread; and

WHEREAS, no child of Baha'i parentage has been allowed to register for school at any level; and

WHEREAS, these genocidal practices by the Iranian government clearly violate its obligations under international human rights law, particularly the International Covenant on Civil and Political Rights; and

WHEREAS, the people of the State of North Dakota and all the United States of America are now, and always will be, adamantly opposed to persecution of all kinds, especially religious persecution; and

WHEREAS, all civilized peoples recognized the existence of international legal and moral principles demanding respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

WHEREAS, on December 11, 1946, in reaction to the genocide practiced in World War II, the General Assembly of the United Nations adopted a resolution denouncing genocide as a crime under international law;

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

That the Forty-ninth Legislative Assembly of the State of North Dakota expresses its shock and revulsion at the present program of the Iranian government to decimate the Baha'i faith and implores the Iranian leadership to acknowledge and abide by its obligations under international human rights law and to put an immediate end to its genocidal practices; and

BE IT FURTHER RESOLVED, that the Forty-ninth Legislative Assembly urges that the United States of America, through its membership in the United Nations, propose that the General Assembly of that organization adopt a resolution denouncing the genocidal actions of the Iranian government, and call on the Security Council of that organization to investigate the persecution of members of the Baha'i faith by Iran and take all necessary actions to assure that this violation of international law is stopped; 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 United States Secretary of State, the United States' representative to the United Nations, the Secretary-General of the United Nations, each member of the North Dakota Congressional Delegation, and the Spiritual Assembly of the Baha'is of Jamestown, North Dakota.

Filed March 26, 1985

CHAPTER 728

HOUSE CONCURRENT RESOLUTION NO. 3020 (Kretschmar)

CRIMINAL JUDGMENT CENTRAL FILING STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a central filing office for criminal judgments.

WHEREAS, criminal records maintained by the Bureau of Criminal Investigation, Game and Fish Department, and Motor Vehicle Operators License Division of the Highway Department are not comprehensive in that each agency's records concern only violations of laws within the jurisdiction of that agency; and

WHEREAS, misdemeanants who receive a deferred imposition of sentence or a suspended sentence conditioned upon court-ordered terms are not usually placed under the supervision of parole officers; and

WHEREAS, the cost of using parole agents for defendants who have received conditional deferred or suspended sentences for misdemeanor offenses would be unduly prohibitive in both time and money; and

WHEREAS, the criminal records maintained by state agencies are inadequate to allow determination of whether the terms of an individual's suspended or deferred sentence have been violated; and

WHEREAS, no system or procedure exists to notify the appropriate judge or state's attorney of violation of the terms and conditions of the deferred or suspended sentence of a misdemeanant; and

WHEREAS, lack of a comprehensive state recordkeeping system or notification procedure results in many convicted defendants being treated time and again as first offenders; and

WHEREAS, filing of statistical information and criminal judgments concerning misdemeanants with a central filing office and automatic notification of the appropriate judge or state's attorney of a violation by a misdemeanant of the terms under which all or a portion of the sentence was deferred or suspended would improve the administration of justice;

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

That the Legislative Council is directed to study the feasibility and desirability of establishing a central filing office for criminal judgments; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 729

HOUSE CONCURRENT RESOLUTION NO. 3022
(Kretschmar)

LEGISLATIVE STATUTES REVISION STUDY

A concurrent resolution directing the Legislative Council to study the need for revision of statutes and the Senate and House rules in light of the 1984 amendments to Article IV of the Constitution of North Dakota.

WHEREAS, the voters of the state, at the 1984 primary and general elections, approved two measures which made significant changes in Article IV of the Constitution of North Dakota, relating to the Legislative Assembly; and

WHEREAS, the measures approved in 1984 are to become effective on December 1, 1986; and

WHEREAS, thorough study is required to assure that Senate and House rules and statutory provisions are in harmony with the recently approved provisions of Article IV of the Constitution of North Dakota;

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

That the Legislative Council is directed to study the Senate and House rules and the statutes for the purpose of assuring harmony with the provisions of Article IV of the Constitution of North Dakota as it will be in effect on December 1, 1986; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 730

HOUSE CONCURRENT RESOLUTION NO. 3023
(Representatives Riehl, Thompson)
(Senators Parker, Maixner, Krauter)

RETURN OF AMERICAN PRISONERS OF WAR IN ASIA

A concurrent resolution urging the President of the United States and the Congress of the United States to take all steps necessary to secure the return of all Americans still held as prisoners of war in Southeast Asia.

WHEREAS, there have been numerous confirmed sightings of Americans still being held hostage by communists as a result of the Korean and Vietnam conflicts; and

WHEREAS, more than 2,800 American troops are still unaccounted for from the Korean and Vietnam conflicts; and

WHEREAS, since 1973 there have been more than 4,000 individual sighting reports made with respect to Americans still being held prisoner in Southeast Asia; and

WHEREAS, it can be assumed that the conditions of existence for these prisoners is deplorable at best; and

WHEREAS, these Americans entered hostile foreign territory because the American people, through their elected representatives, sent them there; and

WHEREAS, only the full force and power of the expressed will of the American people, exercised through their elected representatives, can bring about the release of these Americans;

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

That the Forty-ninth Legislative Assembly urges the President of the United States and the Congress of the United States to take all necessary action to obtain the release and return of Americans being held as prisoners of war in Southeast Asia; 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 each member of the North Dakota Congressional Delegation.

Filed March 20, 1985

CHAPTER 731

HOUSE CONCURRENT RESOLUTION NO. 3025
(Representatives Nalewaja, Moore)
(Senator Adams)

SALES AND USE TAX EXEMPTIONS STUDY

A concurrent resolution directing the Legislative Council to study the exemptions allowed by law from state sales and use taxes to determine their impact on state revenues, their effect on public and fiscal policy and their administrative burden upon retailers who must document exempt sales.

WHEREAS, sales and use tax revenues are the largest single revenue source of state government and the laws of North Dakota provide for exemption from sales and use taxes for certain persons, properties, and organizations; and

WHEREAS, several of the exemptions granted from sales and use taxes have been in effect for many years, and with the passage of time and change of circumstances certain of these exemptions may not presently be justified, and the revenue loss to the state from exemptions from sales and use taxes is substantial; and

WHEREAS, retailers in the state and state tax administration officials are under a burden of identifying allowable exemptions and processing documentation required to support the exemptions; and

WHEREAS, rising costs of state government in response to demands for increased services require substantial sales and use tax revenues which are currently being eroded by exemptions presently contained in the sales and use tax law; and

WHEREAS, a discontinuance of unwarranted exemptions from sales and use taxes could have the effect of increasing revenue for state purposes without increasing the rate of sales and use taxes now levied on persons, properties, and organizations subject to these taxes, and may reduce the administrative burden on North Dakota retailers and tax administration officials;

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

That the Legislative Council study the exemptions from sales and use taxes provided by the laws of this state and determine whether, because of equity, passage of time, administrative difficulties, or the need for increased revenue, certain exemptions should be considered for elimination or modification; 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 Fiftieth Legislative Assembly.

Filed March 12, 1985

CHAPTER 732

HOUSE CONCURRENT RESOLUTION NO. 3026
(Representatives Hamerlik, Unhjem, DeMers)
(Senator Holmberg)

EDUCATION OF GIFTED CHILDREN STUDY

A concurrent resolution directing the Legislative Council to study the special education needs of gifted children and special education programs available to gifted children and to determine what improvements to those programs can and should be made.

WHEREAS, special education issues affect students other than handicapped and disadvantaged students; and

WHEREAS, state law defines special education to include services for gifted children who by virtue of their outstanding abilities require differentiated educational programs and services beyond those normally provided by the regular school program; and

WHEREAS, there may exist a need to expand public school programs for gifted children in order for those children to realize their full potential; and

WHEREAS, gifted children may well be among the future leaders of our society in the sciences, arts, humanities, government, and other important fields; and

WHEREAS, the educational needs of gifted children should be fully explored;

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

That the Legislative Council study the special education needs of gifted children and the special education programs available to gifted children to determine what improvements to those programs can and should be made; 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 Fiftieth Legislative Assembly.

Filed March 20, 1985

CHAPTER 733

HOUSE CONCURRENT RESOLUTION NO. 3028
(Representatives D. Olsen, Haugland, Strinden)
(Senators Mushik, Tallackson, Nething)

HUMAN SERVICES DELIVERY STUDY

A concurrent resolution directing the Legislative Council to study the consolidation of services provided by the Department of Human Services and the relationship between the Department of Human Services, the county social service boards, and mental health services; to review the services being provided by regional human service centers and to determine how responsive those centers are to referrals from the court system and other community agencies; and to examine alternatives for more efficient delivery of human services in North Dakota.

WHEREAS, Chapter 486 of the 1981 Session Laws placed the functions, powers, and duties of the Social Service Board of North Dakota, Governor's Council on Human Resources, Mental Health and Retardation Division of the Department of Health, Division of Alcoholism and Drug Abuse of the Department of Health, and State Council on Developmental Disabilities under the authority of a newly created Department of Human Services; and

WHEREAS, this combination of agencies was done to make more efficient the delivery of all "human services", to minimize the administration costs of providing those services, and to eliminate the duplication of services; and

WHEREAS, delivery of services through the Department of Human Services should be monitored by the Legislative Assembly to assure that intended services are being efficiently provided;

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

That the Legislative Council study the consolidated services being provided by the Department of Human Services and the relationship between the Department of Human Services, the county social service boards, and mental health services; to review the services being provided by regional human service centers and to determine how responsive those centers are to the court system and to referrals from other community agencies; and to examine alternatives for more efficient delivery of human services in North Dakota; and

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

CHAPTER 734

HOUSE CONCURRENT RESOLUTION NO. 3029
(Representatives Watne, Brokaw, Shockman)
(Senator Maixner)

DISCHARGE OF TAX ON FARMLAND SOLD IN BANKRUPTCY

A concurrent resolution urging the Congress of the United States to enact legislation to allow the discharge in bankruptcy proceedings of federal tax debts resulting from the sale of farmland to pay creditors.

WHEREAS, due to the severe economic crisis in the agriculture industry it is becoming increasingly common for American farmers to seek protection under federal bankruptcy proceedings; and

WHEREAS, the federal bankruptcy law should allow individuals protection and a chance to begin anew after making all nonexempt property available to their creditors; and

WHEREAS, the sale of farmland in bankruptcy proceedings presently results in a nondischargeable income tax liability for capital gains on the property due to the low basis of most farmland; and

WHEREAS, farmers, having been forced to go through a bankruptcy proceeding and lose their farm, are faced with payment of capital gains tax for the sale of the property, from which they received no benefit, because any benefit from the sale inures to the benefit of their creditors;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to enact legislation to remove the priority for and make dischargeable the income tax debt for capital gains on farmland sold in bankruptcy proceedings to pay creditors of the bankrupt; and

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

Filed March 12, 1985

CHAPTER 735

HOUSE CONCURRENT RESOLUTION NO. 3030
(Representative Vander Vorst)
(Senators Kusler, D. Meyer)

GRASSHOPPER CONTROL ON FEDERAL LANDS

A concurrent resolution urging Congress and federal agencies to protect adequately against grasshopper infestations on federal land.

WHEREAS, the federal government owns or holds in trust large tracts of uncultivated land in the western states, including North Dakota; and

WHEREAS, the federal government should act as a responsible neighbor to private landowners; and

WHEREAS, private landowners engage in programs to prevent and combat grasshopper infestations on their lands; and

WHEREAS, federal agencies holding land, including the Corps of Engineers, have provided inadequate protection against grasshopper infestations and have failed to adequately combat occurrences of infestation; and

WHEREAS, spraying and other activities are necessary to keep grasshopper infestations on semiarid lands from spreading to adjoining privately owned tracts of land; and

WHEREAS, failure to control grasshoppers on federal land causes severe harm to North Dakota grain and livestock industries;

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

That the Forty-ninth Legislative Assembly urges the Congress to appropriate additional funds for, and urges federal agencies to work toward, preventing and combating grasshopper infestations on federal lands, and urges the Congress to speed up the approval of funds by reviewing these regulations which nearly inhibit the spraying of federal lands; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Agriculture, the Corps of Engineers, the Secretary of the Interior, the chairmen of the Senate and House Committees on Agriculture, and each member of the North Dakota Congressional Delegation.

CHAPTER 736

HOUSE CONCURRENT RESOLUTION NO. 3033
(Starke)

LT. COL. JAMES BUCHLI CONGRATULATED

A concurrent resolution congratulating Lieutenant Colonel James Buchli and members of the Discovery flight crew on their selection to serve on the Space Shuttle Mission 51-C.

WHEREAS, it is a custom of the Legislative Assembly to recognize and honor North Dakota citizens for their national accomplishments; and

WHEREAS, Lieutenant Colonel James Buchli, a native of New Rockford, North Dakota, who moved to, and graduated from high school in Fargo, North Dakota, has been selected to serve as a mission specialist aboard the Discovery on Space Shuttle Mission 51-C; and

WHEREAS, Lieutenant Colonel James Buchli will be the first North Dakotan to have traveled into outer space;

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

That the Forty-ninth Legislative Assembly takes great pleasure in extending to Lieutenant Colonel James Buchli and the other crew members of the Discovery its heartiest congratulations for being selected to serve on Space Shuttle Mission 51-C; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Lieutenant Colonel James Buchli.

Filed January 30, 1985

CHAPTER 737

HOUSE CONCURRENT RESOLUTION NO. 3034
(Kloubec)FINANCIAL INSTITUTIONS ADMINISTRATION
STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the statutory authority and administration of financial institutions organized under state laws in light of federal changes regarding regulation of financial institutions.

WHEREAS, banks, savings and loan associations, and credit unions are subject to separate statutory authority and administration by this state; and

WHEREAS, changes in federal law and regulations governing financial institutions eliminate many of the differences between the classifications of financial entities in the state; and

WHEREAS, it may now be possible to consolidate statutory authority and administration of state regulation of financial entities to achieve uniform statutory authority for and administration of the regulations governing the various types of financial entities organized under state law;

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

That the Legislative Council is directed to study the feasibility and desirability of consolidating state statutory and regulatory authority of banks, savings and loan associations, and credit unions in light of changes in federal regulation of these financial entities; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 738

HOUSE CONCURRENT RESOLUTION NO. 3035
(Goetz, L. Hanson)

HUNTING AND FISHING LICENSE STUDY

A concurrent resolution directing the Legislative Council to study the issuance of licenses and permits to hunt and fish in North Dakota.

WHEREAS, North Dakota Century Code Chapter 20.1-03, relating to the issuance of licenses and permits to hunt and fish in North Dakota, causes undue confusion among residents and nonresidents of the state; and

WHEREAS, approximately 80 percent of all hunting and fishing licenses and permits are sold by agents appointed by county auditors pursuant to North Dakota Century Code Section 20.1-03-17; and

WHEREAS, the agents are concerned with the administrative time necessary to effect the issuance of hunting and fishing licenses and permits; and

WHEREAS, there is general agreement among these appointed agents and the State Game and Fish Department that a more workable and understandable system could be studied, drafted, perfected and implemented;

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

That the Legislative Council study the issuance of hunting and fishing licenses and permits to residents and nonresidents for the purpose of determining the existence of methods and systems to make the issuance of hunting and fishing licenses and permits more workable and understandable; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 739

HOUSE CONCURRENT RESOLUTION NO. 3036
(R. Solberg)

STATUTORY LIEN STUDY

A concurrent resolution directing the Legislative Council to study the impacts and problems associated with numerous specific kinds and types of statutory liens and various types of property that are exempt from attachment or mesne process and levy or sale upon execution and other final process issued from any court and the various priorities and rights they create.

WHEREAS, past legislative sessions have seen fit to enact, over the last 90 years, numerous different kinds and types of statutory liens, many very specific in nature, different kinds of property exempt from process, levy, or sale; and

WHEREAS, these liens have created various priorities in the lienholder to the debtor's property and created various exemptions from process, levy, or sale;

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

That the Legislative Council study the economic impact of statutory liens and the priorities they create and the kinds of exemptions and rights they create, with an emphasis on determining whether a more understandable, consistent, and uniform system of providing lien security and exemption from process, levy, or sale can be enacted in order to more properly inform all potentially affected parties of their rights and how to protect them and thereby avoid confusion and the cost of lengthy litigation; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 740

HOUSE CONCURRENT RESOLUTION NO. 3037
(Kretschmar, Conmy)

APPELLATE COURT STUDY

A concurrent resolution directing the Legislative Council to study the need for additional appellate court services.

WHEREAS, projected increases in case filings in the North Dakota Supreme Court may eventually create an intolerable delay in the disposition of appeals or have an adverse effect on the quality and workmanship of opinions or both; and

WHEREAS, appellate case processing should continue to remain current, with adequate time to hear and resolve each important case in the interest of justice; and

WHEREAS, many other states provide for intermediate appellate review; and

WHEREAS, an intermediate court of appeals may be necessary to relieve the caseload of the North Dakota Supreme Court;

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

That the Legislative Council is directed to study the present and projected caseload of the North Dakota Supreme Court and the need for an intermediate court of appeals or other methods of alleviating the workload of the Supreme Court; and

BE IT FURTHER RESOLVED, that in conducting the study the Legislative Council may consult with the Chief Justice and justices of the North Dakota Supreme Court, the judges of the trial courts, the State Court Administrator, and the State Bar Association of North Dakota; and

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

Filed March 28, 1985

CHAPTER 741

HOUSE CONCURRENT RESOLUTION NO. 3039
(Representative Cleveland)
(Senator Stenehjem)

STUDENT FINANCIAL AID STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the availability and adequacy of financial aid available for students attending state postsecondary educational institutions and to determine the feasibility of initiating new state programs to provide financial aid to those students.

WHEREAS, the Constitution of North Dakota requires the Legislative Assembly to provide a system of free public education including schools of higher education; and

WHEREAS, in order to maximize access to that system of higher education there exists a need to provide students with a broad-based state financial aid program that will complement federal financial aid programs; and

WHEREAS, while the cost of attending postsecondary educational institutions continues to increase, the availability of student financial assistance from both the state and federal governments appears to be seriously threatened; and

WHEREAS, various types of legislation providing for student financial aid programs have been considered by the Legislative Assembly in the past without the benefit of an in-depth study of the matter;

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

That the Legislative Council study the availability and adequacy of financial aid for students attending state postsecondary educational institutions and to determine the feasibility of initiating new state programs to provide financial aid to those students; and

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

Filed March 20, 1985

CHAPTER 742

HOUSE CONCURRENT RESOLUTION NO. 3040
(Representatives Strinden, Mertens)
(Senators Nelson, Heigaard)

APPRECIATION OF AIR FORCE BASES AND MILITARY PERSONNEL

A concurrent resolution welcoming representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program.

WHEREAS, North Dakota is privileged to be host to the Grand Forks Air Force Base and Minot Air Force Base, as well as a number of other military installations; and

WHEREAS, the state of North Dakota appreciates the contributions provided to this state by the many military personnel stationed at these installations; and

WHEREAS, the Legislative Assembly is privileged to be host to several senior military leaders who are participating in a military-state government leadership exchange program; and

WHEREAS, the Legislative Assembly expresses its appreciation on behalf of the people of this state to all of the military personnel stationed in this state and welcomes the senior military leaders who are participating in the military-state government leadership exchange program;

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

That the Forty-ninth Legislative Assembly extends its appreciation to the military personnel stationed at Grand Forks Air Force Base, Minot Air Force Base, and other military installations in this state, and welcomes those personnel who are participating in the military-state government leadership exchange program; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Commander of the Grand Forks Air Force Base and the Commander of the Minot Air Force Base.

Filed January 31, 1985

CHAPTER 743

HOUSE CONCURRENT RESOLUTION NO. 3043 (Representatives Linderman, Starke, Stofferahn) (Senators Wogsland, Kelsh)

FARM CRISIS ACTION

A concurrent resolution urging the Congress and the President to reduce interest rates, promote exports, and improve farm income.

WHEREAS, farmers are not currently receiving their cost of production; and

WHEREAS, the length and severity of the farmers' inability to meet the cost of production is causing a crisis situation in agriculture; and

WHEREAS, this crisis is affecting not only farmers, but also financial institutions, rural businesses, and the entire United States economy; and

WHEREAS, the high value of the United States dollar abroad has essentially created an embargo on exports of United States farm products; and

WHEREAS, interest rates are unjustifiably high, creating higher expenditures for farmers, while reducing commodity prices; and

WHEREAS, the farm crisis has already resulted in the bankruptcy of many farmers, financial institutions, rural businesses, and working individuals, which may cause the future collapse of the United States economy; and

WHEREAS, the disruption of farm careers and the dislocation of farm families will cause severe economic and social repercussions; and

WHEREAS, strong federal action is needed to remedy this farm crisis;

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

That the Forty-ninth Legislative Assembly urges the Congress and the President to take immediate action to reduce interest rates, reduce the value of the United States dollar, promote exports of farm commodities, and improve farm income through programs including production controls, support loan prices, and target prices, which will provide farmers with income sufficient to meet the cost of production and provide a decent standard of living; 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 director of the Office of Management and Budget, the Secretary of Agriculture, the Secretary of the Treasury, the chairmen of the Senate and House Committees on Agriculture, and the members of the North Dakota Congressional Delegation.

Filed March 12, 1985

CHAPTER 744

HOUSE CONCURRENT RESOLUTION NO. 3044
(Representatives Linderman, Starke, Stofferahn)
(Senators Wogsland, Kelsh)

SURPLUS COMMODITIES FOR STARVING PEOPLE

A concurrent resolution urging the federal government to supply surplus commodities to the starving people of the world.

WHEREAS, mass starvation exists in many countries of the world; and

WHEREAS, agricultural production in the United States greatly exceeds national consumption, causing full storage bins and depressed prices; and

WHEREAS, no other country in the world can match the United States in capacity to provide food aid and agricultural expertise; and

WHEREAS, the capacity to produce food creates a moral obligation on the part of the United States to feed starving people; and

WHEREAS, gaining the goodwill of people in other countries would be in the best interest of this country, to promote world peace and to reduce the need for military expenditures; and

WHEREAS, past recipients of food and agricultural aid have become good customers for our exports; and

WHEREAS, reducing surplus agricultural commodities would result in higher farm commodity prices;

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

That the Forty-ninth Legislative Assembly urges the federal government to institute a program to provide a significant portion of our surplus commodities to feed the starving people throughout the world and to provide expertise to build the agricultural productivity of these countries; 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 director of the Office of Management and Budget, the Secretary of Agriculture, the chairmen of the Senate and House Committees on Agriculture, and each member of the North Dakota Congressional Delegation:

CHAPTER 745

HOUSE CONCURRENT RESOLUTION NO. 3045
(Representatives Wald, Timm)
(Senators Tallackson, Freborg)

CREDITOR PROTECTION IN BANKRUPTCY

A concurrent resolution urging Congress to review and revise the bankruptcy laws to provide creditors with more protection from losses resulting from debtors filing for bankruptcy.

WHEREAS, the state and the nation have undergone several years of economic difficulty resulting in financial losses and failure for many businesses and individuals; and

WHEREAS, an increasing number of individuals and businesses are resorting to federal bankruptcy relief to discharge debt and resolve financial difficulties; and

WHEREAS, the ready discharge of debt promotes an attitude of irresponsibility within society and severely impairs businesses that have supplied goods or services upon credit and in good faith; and

WHEREAS, the discharge of debt through bankruptcy reduces working capital and impairs cash flow for businesses and individuals, thus compounding financial difficulties, business failures, and job losses; and

WHEREAS, the Bankruptcy Reform Act [Pub. L. 95-598], as amended, and the Federal Judgeship Act of 1984 [Pub. L. 98-353] fail to adequately meet the need for reform in federal bankruptcy law;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to review and revise federal bankruptcy law to make voluntary bankruptcy a less attractive alternative of debt relief, to expedite the bankruptcy process, and to provide more protection to creditors from bankruptcy losses; 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 29, 1985

CHAPTER 746

HOUSE CONCURRENT RESOLUTION NO. 3046
(Shockman, Brokaw, Eckroth, Watne, R. Solberg)

HEALTH CARE SERVICE DELIVERY STUDY

A concurrent resolution directing the Legislative Council to study the system of health care service delivery, the reasons for the rapidly increasing costs of health care and health care insurance, and alternatives to contain those costs.

WHEREAS, the cost of health care has become a matter of major concern both nationally and in this state; and

WHEREAS, the average per capita expenditures for health care services in this state is above the national average and also higher than in any of the surrounding upper plains states; and

WHEREAS, the cost of health insurance premiums has increased at an average annual rate of between 14 percent and 17 percent; and

WHEREAS, the rate of increase in hospital expenses in this state has been higher than the average rate of increase for the nation and the upper plains region; and

WHEREAS, this state consistently has one of the highest per capita rates of hospital admissions in the nation;

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

That the Legislative Council study the delivery system for health care services, the reasons for the rapidly increasing costs of health care and health care insurance, and alternatives to contain the increase of those costs; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 747

HOUSE CONCURRENT RESOLUTION NO. 3048
(Richard, O'Connell, O. Solberg)

REDUCED FEDERAL LAND BANK INTEREST RATES

A concurrent resolution urging Congress and the Federal Farm Credit System to distribute mineral interest income through reduced interest rates for the Federal Land Bank members in the state where the minerals are located.

WHEREAS, the Federal Land Banks and Federal Land Bank Associations are part of the Federal Farm Credit System, as enacted by Congress; and

WHEREAS, the Federal Land Bank Associations retain 50 percent of the available minerals in real property foreclosure actions; and

WHEREAS, profits from these mineral interests are transferred to the district Federal Land Bank; and

WHEREAS, the profit from these mineral interests are used to determine income on a districtwide basis; and

WHEREAS, this income is used to determine the interest rates of the district; and

WHEREAS, these mineral interest profits should be used to determine interest rates on a statewide basis;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to enact legislation, and the Federal Farm Credit System to enforce the legislation, which would provide for Federal Land Bank income from mineral interests located in a state to be used to determine interest payments on a statewide, rather than districtwide, basis; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Federal Farm Credit System, the chairmen of the House and Senate Committees on Agriculture, and the members of the North Dakota Congressional Delegation.

Filed March 12, 1985

CHAPTER 748

HOUSE CONCURRENT RESOLUTION NO. 3049
(Laughlin, Kent, O'Connell, Larson, Lindgren)

"BUY NORTH DAKOTA PRODUCTS"

A concurrent resolution requesting the development and promotion of a North Dakota Product Label by the Department of Agriculture, and requesting use of the slogan "Buy North Dakota Products" on all literature and items printed with state funds.

WHEREAS, North Dakota is a major producer of many grains and other agricultural products; and

WHEREAS, the consumer may not be aware of the number of products raised, processed, and packaged in North Dakota; and

WHEREAS, there is a need for domestic efforts to make consumers more aware of nutritional values of the products raised in North Dakota;

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

That the North Dakota Department of Agriculture, in cooperation with the various commodity groups, retail associations, and food producers in North Dakota, develop a North Dakota product label and plan promotion efforts to showcase North Dakota-made products;

BE IT FURTHER RESOLVED, that the slogan "Buy North Dakota Products" be displayed on all literature and items printed with state funds.

Filed March 20, 1985

CHAPTER 749

HOUSE CONCURRENT RESOLUTION NO. 3050
(O'Connell, Myrdal, Watne, Smette)

MAPPING LANDFILLS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of mapping known landfills within the state.

WHEREAS, there are many landfills within the state, both public and private; and

WHEREAS, farm or industrial chemicals are widely used within the state; and

WHEREAS, these chemicals, along with their containers, are being disposed of at landfills on farming operations and public landfills; and

WHEREAS, these chemicals may cause contamination of the surrounding soil and groundwater; and

WHEREAS, information regarding the locations of these landfills may be important in the future locating of residences and water wells;

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

That the Legislative Council study the feasibility of establishing statewide mapping of all known private or public landfills; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 750

HOUSE CONCURRENT RESOLUTION NO. 3051
(Schneider)

LEGAL SERVICES CORPORATION STUDY

A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a state-sponsored legal services corporation to provide legal services to persons with low incomes.

WHEREAS, in order for legal services to be provided to persons with low incomes, Congress has, since 1976, appropriated funds to the national nonprofit Legal Services Corporation; and

WHEREAS, federal funding to the Legal Services Corporation has been reduced in recent years and the prospects for future increases in funding are at best bleak; and

WHEREAS, the state of North Dakota has not previously appropriated funds to provide legal services to low income persons and the Legal Services Corporation offices in this state are not able to meet the need for legal services of all low income people; and

WHEREAS, many attorneys engaged in the private practice of law cannot or will not provide many of the legal services provided to low income people through the Legal Services Corporation; and

WHEREAS, all persons, regardless of their financial status, should have access to basic legal services;

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

That the Legislative Council study the desirability and feasibility of establishing a state-sponsored legal services corporation to provide legal services to low income people; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985 .

CHAPTER 751

HOUSE CONCURRENT RESOLUTION NO. 3052
(Representative Unhjem)
(Senator Mushik)COMMISSION ON CHILDREN AND ADOLESCENTS
AT RISK

A concurrent resolution commending the Governor for the creation of a commission to study, coordinate, and promote the functions, services, facilities, and resources of the juvenile justice and human service delivery systems to determine appropriate means of treatment and placement services to meet the needs of children and adolescents at risk and to request the Governor to report the commission's findings and recommendations which may require legislative action to an interim committee of the Legislative Council for review and recommendations.

WHEREAS, the Governor has recognized the need for a more systematic and coordinated approach to the delivery of services addressing the needs of children and adolescents at risk, including victims of abuse, neglect, and incest; chronically delinquent children; emotionally and behaviorally disturbed adolescents; chemically dependent or abusing adolescents; runaway and homeless youth; and mentally ill adolescents; and

WHEREAS, the Governor has appointed a Commission on Children and Adolescents at Risk to address problems resulting from the insufficient numbers of community-based services and placement alternatives; the inappropriate or unavoidable detention of juveniles; the need for specialized residential treatment care facilities for serving emotionally disturbed adolescents; the need for a comprehensive plan for a continuum of residential and treatment services for high risk children and adolescents; the lack of uniform client information and data collection systems able to track children and adolescents within the system; and the need to develop timely, uniform, consistent, and formalized approaches to referring, evaluating, and treating children and adolescents through a coordination of public and private resources; and

WHEREAS, the Governor has directed that the commission report its findings to him, which findings may include matters requiring legislative action; and

WHEREAS, the Legislative Assembly is also concerned about improvement of the juvenile justice and human service delivery systems;

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

That the Governor is requested to direct the Commission on Children and Adolescents at Risk to report its findings and recommendations by June 15, 1986, including suggestions as to possible legislation required to carry out such recommendations, to an interim committee to be designated by the Legislative Council; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 752

HOUSE CONCURRENT RESOLUTION NO. 3053

(Representatives Strinden, Mertens)

(Senators Nething, Heigaard)

REA ANNIVERSARY

A concurrent resolution commending the Rural Electrification Administration on its 50th anniversary.

WHEREAS, the Legislative Assembly recognizes and honors groups and institutions for their national accomplishments; and

WHEREAS, May 11, 1985, is the golden anniversary of the organization of the Rural Electrification Administration (REA), as an administration under the United States Department of Agriculture; and

WHEREAS, the REA program remains an outstanding example of governmental action in concert with private individuals working to the ultimate benefit of this nation; and

WHEREAS, rural America and rural North Dakota enjoy dependable, reliable, and affordable central station electric service which greatly contributes to agricultural productivity and the quality of rural life; and

WHEREAS, this state is especially proud of the accomplishments of rural electric cooperatives as responsible business entities, which are owned, operated, and controlled by owner-members; and

WHEREAS, these feats and accomplishments have caused a continued dependable service to be performed for the benefit of this state and the nation by democratically controlled business entities; and

WHEREAS, these feats merit recognition by the state of North Dakota and its citizens;

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

That the Forty-ninth Legislative Assembly takes great pride and pleasure in extending its heartiest commendation to the Rural Electrification Administration on its 50th anniversary, and hereby recognizes and gratefully acknowledges the benefits which rural electrification has brought to the citizens of this state and to the nation; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to the Honorable John Block, Secretary of Agriculture, to Mr. Harold Hunter, Administrator, Rural Electrification Administration, to the National Association of Rural Electric Cooperatives, and to the North Dakota Association of Rural Electric Cooperatives.

Filed March 20, 1985

CHAPTER 753

HOUSE CONCURRENT RESOLUTION NO. 3054
(Representatives Nowatzki, Vander Vorst)
(Senator Bakewell)

SOIL CONSERVATION SERVICE MAINTENANCE

A concurrent resolution urging the Congress of the United States to maintain the funding and programs of the United States Department of Agriculture's Soil Conservation Service to assure the current level of technical assistance available to soil conservation districts.

WHEREAS, soil and water are state and national treasures; and

WHEREAS, by the establishment of the United States Department of Agriculture's Soil Conservation Service, our soils were designated as a public resource, inferring governmental assistance in the stewardship of the land; and

WHEREAS, the Soil Conservation Service has the responsibility of providing needed technical assistance to soil conservation districts on all soil and water conservation problems, including programs to prevent soil erosion, provide soil mapping, develop watersheds, and prevent flood damage; and

WHEREAS, these programs were planned and executed in cooperation with numerous state and federal agencies and private cooperators; and

WHEREAS, the 1982 National Resource Inventory showed that 42 percent of this state's cropland, approximately 11.4 million acres, is eroding at a rate exceeding tolerable soil losses and 13 percent of the cropland, approximately 3.5 million acres, is eroding at a rate double the tolerable soil loss limits; and

WHEREAS, the Soil Conservation Service annually provides conservation services to stem soil and water loss to over 18,000 landowners in the state of North Dakota, assisting in the application of over 8,000 conservation practices and the development of resource plans on nearly one million acres; and

WHEREAS, the Soil Conservation Service provides leadership in the cooperative soil survey and supports the North Dakota Soil

Survey Program through the services of 30 soil scientists, resulting in the survey of over 67 percent of the state's land; and

WHEREAS, over 10 million acres of the remaining land in North Dakota which has not been surveyed, is cropland and has high priority to be surveyed; and

WHEREAS, the Soil Conservation Service provides technical and financial assistance to the Great Plains Conservation Program in 38 counties in North Dakota, under 622 contracts with landowners, covering approximately one million acres; and

WHEREAS, the Soil Conservation Program provides technical assistance through the Agricultural Conservation Program which assists approximately 5,600 farmers each year; and

WHEREAS, there are over 220 communities that have flooding problems in North Dakota and over 2.5 million acres of land which receive flood damage each year; and

WHEREAS, the Soil Conservation Service provides technical assistance through the Water Bank Program; and

WHEREAS, the Soil Conservation Service provides assistance through the Small Watersheds Program, with 12 watersheds completed in North Dakota covering approximately 1.5 million acres where flood damages have been reduced; and

WHEREAS, there are five additional watersheds in the construction stage in North Dakota; and

WHEREAS, there have been 17 floodplain management studies completed covering nearly 700 river miles of floodplains, and there is a need for over 25 additional floodplain management studies in the state; and

WHEREAS, the Soil Conservation Service's Floodplain Management Program has assisted state floodplain management programs; and

WHEREAS, through the Resource Conservation and Development Program, the Soil Conservation Service is helping accelerate the conservation, development, and use of natural resources to improve the general level of economic activity and to enhance the environment; and

WHEREAS, citizens throughout North Dakota and the nation recognize that the health, prosperity, and welfare of our present and future citizens depends upon proper conservation of our soil, water, and other natural resources, provided through the assistance of the United States Department of Agriculture's Soil Conservation Service;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to maintain the programs and technical assistance now provided by the United States Department of Agriculture's Soil Conservation Service, and the 62 soil conservation districts in the state of North Dakota, to fulfill the intent of assisting in the application of soil conservation practices; 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 chairmen of the Senate and House Appropriation Committees, the Secretary of Agriculture, each member of the North Dakota Congressional Delegation, the Secretary of the Senate of the United States, and the Clerk of the House of Representatives of the United States.

Filed March 12, 1985

CHAPTER 754

HOUSE CONCURRENT RESOLUTION NO. 3055
(Representatives Nowatzki, Stofferahn, Watne)
(Senator Dotzenrod)

PRICING AND PATENTING HERBICIDES AND PESTICIDES

A concurrent resolution urging the Congress of the United States to study and investigate the pricing and patenting of agricultural herbicide and pesticide chemicals.

WHEREAS, safe, cost-effective herbicides and pesticides are tools necessary to sustain modern agriculture, and a continued availability of these chemicals is necessary; and

WHEREAS, federal farm policy partially mandates conservation practices and encourages other conservation practices, including the use of herbicides and pesticides; and

WHEREAS, expenditures by farmers in the United States for costly herbicides and pesticides represent a significant investment in agricultural production, adding to the economic stress currently being experienced by farm producers; and

WHEREAS, farm producers are dependent upon a few manufacturers of herbicides and pesticides, operating in an oligopolistic industry; and

WHEREAS, existing federal laws providing 17-year patent grants tend to stifle competitive production of newly developed farm chemicals; and

WHEREAS, shorter patent grants for these chemicals, more competition in the production of these chemicals, and lower pricing of these chemicals would result in a higher volume of sales, greater farm production, and increased soil conservation practices;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to study the current pricing structure and patent laws pertaining to the production of agricultural herbicide and pesticide chemicals; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the chairmen of the Senate and House Committees on Agriculture, the Secretary of Agriculture, the Department of Commerce's Patent and Trademark Office, and the members of the North Dakota Congressional Delegation.

CHAPTER 755

HOUSE CONCURRENT RESOLUTION NO. 3056
(Representatives Wentz, Kretschmar, Unhjem)
(Senators Holmberg, J. Meyer)

PORNOGRAPHY STUDY

A concurrent resolution directing the Legislative Council to study methods of controlling pornography in this state, with an emphasis on educating the public regarding the harmful effects of pornography.

WHEREAS, pornography in all forms but especially the portrayal of violent and sado-masochistic acts by persons is degrading to women, men, and children and harmful to the family structure; and

WHEREAS, constitutional and other legal theories, techniques, and strategies are constantly being developed to meet the objections which have been raised against legislative attempts to control this undesirable element within our society; and

WHEREAS, the Legislative Assembly should study and stay informed of these legal developments regarding the control of pornography; and

WHEREAS, the general public should be informed regarding the harmful effects of pornography;

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

That the Legislative Council study methods of controlling pornography in this state, with an emphasis on educating the public regarding the harmful effects of pornography; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 756

HOUSE CONCURRENT RESOLUTION NO. 3058
(Knudson, Schindler)

PUBLIC SCHOOL FUNDING STUDY

A concurrent resolution directing the Legislative Council to study all facets of the state's finance formulas used in making payments to public elementary and secondary schools for instructional and transportation services and to determine what, if any, changes in those formulas should be made.

WHEREAS, an adequate and equitable system for determining state contributions to finance the cost of public elementary and secondary instruction and transportation to and from school is critical to the progress of those schools and the ultimate education of this state's citizens; and

WHEREAS, the efficient delivery of uniform quality educational services to this state's elementary and secondary school students, including special education students, is a continuing concern and goal of the Legislative Assembly; and

WHEREAS, there appear to be some inequities in the existing formula used in distributing pupil payments for financing public elementary and secondary instruction and for transporting students to and from school;

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

That the Legislative Council identify models such as the Resource Cost Model that can be used to study all facets of the state's finance formulas used in making payments to public elementary and secondary schools for instruction and for transportation and to determine what, if any, changes in those formulas should be made; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 757

HOUSE CONCURRENT RESOLUTION NO. 3059 (Committee on Appropriations)

BLOCK GRANT HEARINGS

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

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

WHEREAS, several of the provisions of the Omnibus Budget Reconciliation Act of 1981 require "public hearings" or require "the legislature of the State [to conduct]. . . public hearings"; and

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

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

WHEREAS, the Legislative Assembly will not meet in regular session during 1986 and thus its public hearing responsibility for grants not approved by the Forty-ninth Legislative Assembly must be delegated to a legislative entity;

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

That the appropriation bills for the Office of Management and Budget, Department of Human Services, and State Department of Health, as they are passed by this Legislative Assembly are the Legislative Assembly's approval and contain directions on the use of block grant moneys for the period ending September 30, 1987; and

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

BE IT FURTHER RESOLVED, that the Budget Section authority granted by this resolution is in effect during the period from the recess or adjournment of the Forty-ninth Legislative Assembly through September 30, 1987, and the Budget Section shall utilize such methods and procedures for holding such hearings and giving notice thereof as it deems appropriate.

Filed March 20, 1985

CHAPTER 758

HOUSE CONCURRENT RESOLUTION NO. 3060
(D. Olsen, Hoffner, Klundt, Rydell)

PUBLIC SCHOOL TEACHER RETENTION STUDY

A concurrent resolution directing the Legislative Council to study methods of attracting and retaining qualified teachers in North Dakota public schools.

WHEREAS, a primary interest of this state is to attract and retain well-qualified and effective teachers in the public schools; and

WHEREAS, there is a substantial and growing shortage of teachers qualified to teach in curriculum areas such as mathematics, science, and other critically important subjects; and

WHEREAS, many of the best teachers appear to be leaving the profession, and current policies do not appear to counter this trend; and

WHEREAS, it may be feasible for the state to provide postsecondary education scholarships, tuition waivers, student loan waivers, and other types of programs designed to provide incentives for able college students to enter the teaching profession and to retain those people as teachers in North Dakota public schools; and

WHEREAS, in-service training for teachers, increased teacher compensation and recognition, and other programs may be feasible to retain qualified teachers in North Dakota public schools;

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

That the Legislative Council study methods of attracting and retaining qualified teachers in North Dakota public schools; and

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

Filed March 20, 1985

CHAPTER 759

HOUSE CONCURRENT RESOLUTION NO. 3061 (Strinden)

PERSONAL PROPERTY TAX REPLACEMENT STUDY

A concurrent resolution directing a Legislative Council study of the formula for state distribution of personal property tax replacement revenues to political subdivisions.

WHEREAS, the 1969 Legislative Assembly exempted from personal property taxes all personal property not centrally assessed and provided for distribution of replacement revenue from the state to political subdivisions; and

WHEREAS, the formula for distribution of personal property tax replacement revenues uses 1968 as a base year and provides for adjustment of distributions based upon increases or decreases in real property taxes levied within each political subdivision; and

WHEREAS, although the formula for distribution of personal property tax replacement revenues was adjusted in 1971 and payment dates were modified in 1979, there has been no comprehensive review of the formula since its enactment; and

WHEREAS, there is a need to review changes in real property assessment and taxation to determine whether the formula for distribution of personal property tax revenues adequately addresses the interests of the state and its political subdivisions;

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

That the Legislative Council study the formula for distribution of personal property tax replacement revenues in light of changes in assessment and taxation of property 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 Fiftieth Legislative Assembly.

Filed March 20, 1985

CHAPTER 760

HOUSE CONCURRENT RESOLUTION NO. 3062
(Strinden)PARTIALLY DEPENDENT ELDERLY SERVICES
STUDY

A concurrent resolution directing the Legislative Council to study the need for comprehensive in-home and community support services to maintain, enhance, or prolong the independence and self-support of the partially dependent elderly population, and the possibility of making additional county funds available for such services by eliminating the county contributions to the medical assistance program under Medicaid.

WHEREAS, the elderly population in North Dakota and the nation, particularly over the age of seventy-five, is dramatically increasing in terms of numbers and in terms of a percentage of the total population; and

WHEREAS, independent living for many elderly persons is increasingly difficult, if not impossible, because of failing health, the death of a spouse, lack of in-home and community support services, or numerous other reasons; and

WHEREAS, the institutionalization of partially dependent elderly persons forced by the lack of adequate in-home and community support services tends to result in the deterioration of the elderly persons' conditions, which increases the level of required care and increases the cost to the state as well as to the individuals involved; and

WHEREAS, many, if not all, counties find it increasingly difficult to provide the necessary funds for in-home and community support services at the same time as the counties are providing funds required for the Medicaid medical assistance program and other mandated or emergency services; and

WHEREAS, the past and projected movement of the population of North Dakota has made the distribution of Medicaid medical assistance costs and benefits among the fifty-three counties inequitable; and

WHEREAS, if the state did not pass on to the county governments a percentage of these Medicaid costs, the tax burden would be distributed on a more fair and equitable basis to all the people of the state; and

WHEREAS, study is needed to determine if there is any valid justification for charging part of the Medicaid costs to the county, as many states have chosen not to do so; and

WHEREAS, the county government has little, if any, control over Medicaid expenditures, or over containing health care costs; and

WHEREAS, comprehensive in-home and community support services will extend the productivity and happiness of the elderly who are unable to exercise full independence, thus limiting the related costs of care to the state as well as the individual;

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

That the Legislative Council study the need for comprehensive in-home and community support services to maintain, enhance, or prolong the independence and self-support of the partially dependent elderly population, and also study the possibility of making additional funds available to the counties by progressively eliminating the county contribution to the Medicaid medical assistance program over several bienniums; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 761

HOUSE CONCURRENT RESOLUTION NO. 3063
(Strinden)

STATE LAW ENFORCEMENT SYSTEM STUDY

A concurrent resolution directing the Legislative Council to conduct a study of the structure of the state law enforcement system in North Dakota.

WHEREAS, effective law enforcement depends in part upon stability in personnel and in long-range policy; and

WHEREAS, appointment of state law enforcement leaders whenever certain elective positions change hands tends to destabilize the state law enforcement system; and

WHEREAS, the department heads of certain state law enforcement agencies may be better able to pursue effective long-range law enforcement policies if their recruitment and tenure are protected by some other appointment process; and

WHEREAS, standards for law enforcement training are established by the Attorney General, while the Law Enforcement Training Center is supervised by the State Highway Patrol; and

WHEREAS, there are a number of divisions and departments involved in statewide law enforcement with varying degrees of supervision by different elected officials;

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

That the Legislative Council study the coordination of law enforcement training personnel and standards and the career status of law enforcement officials within the state with a view toward improving law enforcement training and protecting law enforcement officials from the uncertainties of the political process; and

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

Filed March 20, 1985

CHAPTER 762

HOUSE CONCURRENT RESOLUTION NO. 3064 (Strinden)

ENHANCED EMERGENCY TELECOMMUNICATIONS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of establishing an enhanced 911 emergency telecommunications system for the state.

WHEREAS, developments in telecommunication have made it possible to quicken response time to emergency calls for law enforcement, fire, medical, rescue, and other emergency services; and

WHEREAS, a statewide emergency telecommunications system may allow quicker response by state and local officials to emergency situations in North Dakota; and

WHEREAS, the enhanced 911 emergency telecommunications system provides selective routing of calls, which makes it possible for calls to be routed directly to local emergency dispatchers; and

WHEREAS, the enhanced 911 emergency telecommunications system has automatic number and location identification systems which provide the emergency dispatcher with the number of the telephone being used to make the call and its location; and

WHEREAS, the Minneapolis-St. Paul metropolitan area and the state of Connecticut have enhanced 911 emergency telecommunications systems;

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

That the Legislative Council study the feasibility of developing a statewide enhanced 911 emergency telecommunication system;

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

Filed March 20, 1985

CHAPTER 763

HOUSE CONCURRENT RESOLUTION NO. 3065 (Representatives Strinden, Mertens) (Senators Nething, Heigaard)

WETLANDS STUDY

A concurrent resolution directing the Legislative Council to study North Dakota's wetlands.

WHEREAS, North Dakota's 32 million acres north and east of the Missouri River are the center of the prairie pothole region, containing most of the remaining wetlands in the prairie pothole region of the United States; and

WHEREAS, the legislative assembly recognizes the importance of wetlands, and further recognizes that between two and three million acres of wetlands remain in North Dakota; and

WHEREAS, the legislative assembly recognizes that North Dakota's wetlands produce from 2.5 million to 6 million ducks each year, depending on the wet and dry cycle, that wetlands can moderate the extremes in the water flow and have value as natural flood control mechanisms, that wetlands can aid in water purification by trapping, filtering, and storing sediment and other pollutants and by recycling nutrients, that wetlands may serve as ground water recharge areas, and that wetlands function as nursery areas for numerous aquatic animal species and are habitat for a wide variety of plant and animal species; and

WHEREAS, the legislative assembly finds that 4.8 million acres of land in North Dakota are covered by easements held by the United States Fish and Wildlife Service and that within those 4.8 million acres of land there are approximately 760,000 acres of wetlands for which farmers have been paid to not drain, fill, or burn those wetlands; and

WHEREAS, the legislative assembly finds that there may be many more acres of wetlands within the 4.8 million acres of land controlled by the United States Fish and Wildlife Service, depending on the wet and dry cycle, which cannot be drained, burned, or filled because they are covered by the restrictions contained in the easements held by the United States Fish and Wildlife Service, even though farmers have received no payments for the restrictions on such wetlands; and

WHEREAS, the United States Fish and Wildlife Service holds easements for an additional 66,000 acres in North Dakota which are part of National Wildlife Refuges, and that the United States also owns in fee an additional 430,000 acres of land in North Dakota for wetland and waterfowl habitat preservation; and

WHEREAS, the legislative assembly recognizes that the remaining wetlands in North Dakota not preserved through government ownership are a valuable resource of state, national, and international significance; and

WHEREAS, the legislative assembly is prepared to support existing and additional programs for the preservation of North Dakota's remaining wetlands, including funding of those programs, and also provide for strict enforcement of North Dakota's drainage laws to protect wetlands, if it is in the best interests of our state and our nation; and

WHEREAS, the legislative assembly finds that information upon which to make decisions concerning wetlands is lacking; and

WHEREAS, the legislative assembly declares that a long-term plan must be developed concerning the amount of wetlands which exist in North Dakota, the amount of wetlands under federal or state government ownership, the location of North Dakota's remaining wetlands, the amount of wetlands which should be preserved in public or private ownership in North Dakota, the manner in which wetlands should be preserved if additional wetlands need to be preserved, the number of waterfowl that North Dakota produces each year, the agricultural benefits that are foreclosed if wetlands are not drained, the cost to farmers of not draining their wetlands, the impact of wetlands on water resource development in North Dakota, and other related issues;

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

That the Legislative Council is hereby directed and authorized to study wetlands in North Dakota and all of the issues related thereto, including the economic and other impacts of our drainage permit laws; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to request the assistance of the United States Fish and Wildlife Service, the North Dakota Game and Fish Department, the North Dakota Parks and Recreation Department, the North Dakota State Water Commission, and private conservation organizations to assist in the study of wetlands and related issues and make recommendations concerning state legislative policy and necessary legislation; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to provide strict enforcement of North Dakota drainage

laws, additional programs to preserve wetlands, and funding of such programs, if the findings and recommendations of the Legislative Council are that additional wetlands in North Dakota should be preserved and that enhanced management and development of wetland and waterfowl habitat is desirable, and that such recommendations and proposed legislation be presented to the Governor of North Dakota and to the Fiftieth Legislative Assembly.

Filed March 28, 1985

CHAPTER 764

HOUSE CONCURRENT RESOLUTION NO. 3066
(Representatives Strinden, Mertens)
(Senators Nething, Heigaard)

MISSOURI RIVER BANK STABILIZATION

A concurrent resolution requesting the United States Congress and the United States Army Corps of Engineers to assume the responsibility for Missouri River bank erosion in North Dakota and to complete a program of bank stabilization and maintenance along the Missouri River between the Garrison Dam and the Oahe Reservoir.

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

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

WHEREAS, the Pick-Sloan Plan provided for major flood control benefits, recreational benefits, power supply benefits, and certain navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point; and

WHEREAS, the Pick-Sloan reservoirs have been in place for 30 years, thus providing the downstream states all the benefits promised in the Pick-Sloan Plan for the past 30 years; and

WHEREAS, construction of facilities under the Pick-Sloan Plan has, to date, resulted in two billion dollars of flood protection to downstream interests which continue to accrue and has allowed them to develop the floodplain of the Missouri for industrial, municipal, and agricultural uses; and

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

WHEREAS, to provide for the construction of the Pick-Sloan Plan the state of North Dakota has sacrificed over 550,000 acres of land including several cities and many established farms; and

WHEREAS, few, if any, of the commitments made to North Dakota in return for its sacrifices under the Pick-Sloan Plan have been fulfilled despite great efforts by North Dakota's Congressional Delegation, Legislative Assemblies, Governors, and other state officials, and despite continuing strong support by the citizens of the state; and

WHEREAS, almost two-thirds of the 2.25 million megawatt hours of cheap hydroelectric power generated by Garrison Dam in North Dakota built by the Pick-Sloan Plan is utilized in states outside of North Dakota; and

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

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir thereby causing the water table to rise in adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent Corps of Engineers' pronouncements, endangered 6,000 acres of land containing 45 homes and valuable farmland; and

WHEREAS, a similar bank erosion problem exists for a 60-mile reach on the South Dakota-Nebraska border downstream from the Gavins Point Dam and also below the Fort Peck Dam in Montana; and

WHEREAS, the United States Army Corps of Engineers have stated in their FINAL REPORT TO CONGRESS dated December 1981 concerning Missouri River stream bank erosion that "Bank erosion in this reach results in a permanent net loss of high valley lands. This process, unless halted, would eventually transform the present river into a wide area of sand bars and channels, occupying an increasing proportion of the valley width between the bluffs";

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

That the Forty-ninth Legislative Assembly requests the United States Congress to assume the responsibility for the protection of lands now endangered along the Missouri River in North Dakota by the operation of the Pick-Sloan Plan; and

BE IT FURTHER RESOLVED, that the Congress of the United States authorize and provide funds to the Corps of Engineers for a program for the completion of protection of affected lands along the

Missouri River, and for the maintenance of the installed protective works; and

BE IT FURTHER RESOLVED, that funding for this project shall not be a normal federal water project appropriation, but instead shall be charged to the maintenance budget of the Pick-Sloan Plan; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota, South Dakota, Nebraska, and Montana Congressional Delegations, the commanding general of the United States Army Corps of Engineers, the Secretary of the Interior of the United States, the Governor of North Dakota, and the North Dakota State Water Commission.

Filed March 20, 1985

CHAPTER 765

HOUSE CONCURRENT RESOLUTION NO. 3067
(Strinden)

VOCATIONAL EDUCATION SERVICES STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of placing the delivery of vocational education services and programs under the supervision of the Superintendent of Public Instruction, to review the administrative structures for the delivery of vocational education services and programs in other states, and to review federal requirements regarding the delivery of vocational education services and programs by states.

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

WHEREAS, to maintain the efficient and effective organization of state government it is properly the duty of the Legislative Assembly to review and coordinate continuously the functions of the various state agencies and boards; and

WHEREAS, the delivery of vocational education services and programs is currently the responsibility of the State Board of Vocational Education, the staff of which carries out a variety of functions regarding the delivery of vocational education services and programs; and

WHEREAS, the Superintendent of Public Instruction is a member of the State Board of Public School Education whose members also serve as the State Board of Vocational Education; and

WHEREAS, there may exist some duplication in the educational services provided and personnel employed by the Superintendent of Public Instruction and the State Board of Vocational Education;

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

That the Legislative Council study the feasibility and desirability of placing vocational education under the supervision and authority of the Superintendent of Public Instruction, review the administrative structures for the delivery of vocational education services and programs in states, and review federal requirements regarding the delivery of vocational education services and programs at the state level; 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 Fiftieth Legislative Assembly.

CHAPTER 766

HOUSE CONCURRENT RESOLUTION NO. 3068
(Representatives Hedstrom, Dalrymple, Kent)
(Senator Adams)

HIGHWAY PATROL ANNIVERSARY

A concurrent resolution congratulating the North Dakota Highway Patrol, and the officers and employees of the North Dakota Highway Patrol, on the patrol's 50th anniversary.

WHEREAS, during the December 1934 meeting of the North Dakota Peace Officers Association, a resolution was passed calling for the creation of a statewide organization to assist in the increasing number of traffic accidents in the state; and

WHEREAS, the North Dakota Highway Patrol was created in 1935 by the Twenty-fourth Legislative Assembly; and

WHEREAS, the North Dakota Highway Patrol has since been vested with a myriad of authorities and duties, including conducting criminal investigations and enforcing the laws of the state; and

WHEREAS, the North Dakota Highway Patrol, and its officers and employees, have fulfilled these duties in a professional, efficient, and thorough manner; and

WHEREAS, the feats of the North Dakota Highway Patrol, and its officers and employees, merit recognition by the state of North Dakota and its citizens;

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

That the Forty-ninth Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to the North Dakota Highway Patrol, and its officers and employees, for their superb accomplishments; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to the Superintendent of the North Dakota Highway Patrol.

Filed March 20, 1985

CHAPTER 767

HOUSE CONCURRENT RESOLUTION NO. 3069
(Representatives Timm, Richard)
(Senators Mutch, Satrom)

STREET AND HIGHWAY SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the capability of the various street, highway, and air transportation systems of the state to provide for the efficient transportation of people, goods, commodities, and services and to identify the resources needed to provide adequate and efficient street, highway, and air transportation systems in the future.

WHEREAS, the Thirty-third Legislative Assembly in 1953 declared by legislative enactment, codified as North Dakota Century Code Section 24-01-01, that the streets and highways promote the economic and social progress of this state and that an adequate and integrated system of streets and highways is essential to the general welfare of this state; and

WHEREAS, air transportation is an increasingly vital link between communities within and without the state; and

WHEREAS, transportation of people, goods, commodities, and services via the railroads has declined and will continue to decline in the foreseeable future due to transportation concepts within the railroad industry and the abandonment of various branch lines serving local communities; and

WHEREAS, the diminishing role of the railroads as a provider of transportation services has thrust a greater burden upon the existing street, highway, and air transportation systems of this state to provide for the void created by the lack of railroad service; and

WHEREAS, to meet the transportation needs of the nation and state the legislative bodies of the federal and state governments have provided for the operation of ever larger and heavier motor vehicles; and

WHEREAS, the citizens of this state have grown more dependent upon motor vehicles and aircraft as a means of transportation for social and economic activities; and

WHEREAS, accompanying the changes in the available modes of transportation has been a dramatic change in the economic activity of the state, which has grown more dependent upon the street, highway, and air transportation systems as a means of transportation; and

WHEREAS, these changes have resulted in the necessity of changing priorities for the state's street and highway system; and

WHEREAS, the total mileage of the street and highway system in North Dakota cannot be maintained and preserved at the desired levels of service within the current financial resources available to those entities responsible for such highway systems; and

WHEREAS, the various governmental entities charged with providing an adequate and integrated system of streets and highways have been confronted with continuous and growing demands upon the highway systems of the state without the means or the methods to provide for such demands on a priority basis;

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

That the Legislative Council is directed to study the adequacy of the present street, highway, and air transportation systems of the state to provide for the efficient transportation of people, goods, commodities, and services; to identify major problems impeding state and local entities from effectively dealing with the problem; and to furnish potential solutions whereby the state and local entities are given the means and methods to effectively provide for the improvement of the street, highway, and air transportation systems for present and future uses; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 768

HOUSE CONCURRENT RESOLUTION NO. 3070
(Representatives Kent, Lipsiea)
(Senators Tweten, Mutch)

SOLID WASTE DISPOSAL STUDY

A concurrent resolution directing the Legislative Council to study the problems of solid waste disposal in landfills in North Dakota.

WHEREAS, inefficient and improper methods of managing solid wastes create serious hazards to the public health, result in scenic blights, cause pollution of air and water resources, cause accident hazards, increase rodent and insect disease vectors, have an adverse effect on land values, create public nuisances, and otherwise interfere with community life and development; and

WHEREAS, it is in the public interest to encourage and promote the proper emplacement of material into subsurface strata for the purpose of storage and retrieval of material, and to promote the terminal disposal of municipal, industrial, and domestic waste in such a manner as to prevent the contamination or pollution of surface and ground water sources or any other segment of the environment and to avoid creation of secondary hazards of a geologic nature; and

WHEREAS, North Dakota Century Code Chapters 23-20.2 and 23-29 and regulations adopted pursuant to those chapters, regulating the disposal of wastes and landfill seepage into water sources, restrict the siting of solid waste landfills; and

WHEREAS, local zoning restrictions also limit the availability of landfill sites; and

WHEREAS, the amount and volume of solid waste which must be disposed of increase daily and land suitable and available for landfill sites is becoming increasingly difficult to find;

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

That the Legislative Council study the problems of solid waste disposal, including the problems associated with the use and availability of landfills in North Dakota; and

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

CHAPTER 769

HOUSE CONCURRENT RESOLUTION NO. 3071 (Committee on Appropriations)

PUBLIC EMPLOYEE LIABILITY INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the extent liability insurance coverage is provided for state and political subdivision employees and the necessity and desirability of providing or authorizing that coverage, and the desirability of expanding governmental immunity for political subdivisions.

WHEREAS, state officers and employees are subject to causes of actions based on negligence and wrongful acts, errors, and omissions while acting in their official capacities or scope of employment; and

WHEREAS, the North Dakota Century Code Section 32-12.1-15 authorizes the state or any agency to insure against liabilities for its own protection and the protection of any state employee; and

WHEREAS, the North Dakota Century Code Section 15-10-17 authorizes the State Board of Higher Education to insure itself, its employees, and its officers against any liability it deems advisable; and

WHEREAS, the types and the amounts of liability insurance coverage obtained by agencies varies greatly by agency; and

WHEREAS, the projected premiums for liability insurance coverage for many agencies for the 1985-87 biennium are substantially higher than premiums paid for the 1983-85 biennium; and

WHEREAS, the amount of liability coverage necessary for state officials and employees should be established; and

WHEREAS, it may be possible to provide liability coverage for state employees under a blanket policy, rather than under separate policies purchased by each agency; and

WHEREAS, the Board of Higher Education has employed a consultant to study liability coverage of state employees at

institutions under the direction of the Board of Higher Education; and

WHEREAS, North Dakota Century Code Chapter 32-12.1 pertains to the liability of political subdivisions, and enables political subdivisions to pay and compromise claims and judgments; and

WHEREAS, political subdivisions must also maintain liability insurance coverage to provide coverage for liability resulting from the actions of its employees; and

WHEREAS, the provisions of North Dakota Century Code Chapter 32-12.1 should be reviewed to determine whether any changes are necessary to the substantive provision of that chapter;

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

That the Legislative Council is directed to study the extent liability insurance coverage is provided for state or political subdivision employees to determine the necessity and desirability of providing that coverage, including which employees need or should have coverage, the kind of coverage and the amount of coverage necessary or appropriate, and whether liability coverage could be obtained at less cost under a blanket policy rather than separate policies; and

BE IT FURTHER RESOLVED, that the Legislative Council study the governmental immunity of political subdivisions and the desirability of expanding the governmental immunity of political subdivisions; and

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

Filed March 29, 1985

CHAPTER 770

HOUSE CONCURRENT RESOLUTION NO. 3073
(Vander Vorst)

OTHER STATE PUBLIC SCHOOL TUITION STUDY

A concurrent resolution directing the Legislative Council to study the tuition laws for elementary and secondary school students who cross the North Dakota-South Dakota border to attend school.

WHEREAS, the states of North Dakota and South Dakota have generally cooperated in the past regarding the payment of tuition for students crossing the North Dakota-South Dakota border to attend elementary and secondary schools; and

WHEREAS, elementary and secondary school students living along the North Dakota-South Dakota border should be permitted the convenience and freedom, when possible, to attend schools located nearest them even if the school is located in a state other than their state of residence; and

WHEREAS, some conflicts have recently arisen regarding the payment of tuition for certain students crossing the North Dakota-South Dakota border; and

WHEREAS, it is in the best interests of all parties involved to resolve those conflicts and to avoid possible future costly legal disputes;

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

That the Legislative Council conduct a study of the tuition laws for elementary and secondary school students who cross the North Dakota-South Dakota border to attend school; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to appoint a special subcommittee of the Legislative Council's interim committee assigned this study to meet jointly with a like committee from South Dakota in an attempt to resolve cooperatively and avoid future tuition conflicts for students crossing the North Dakota-South Dakota border; 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 Fiftieth Legislative Assembly.

Filed March 20, 1985

CHAPTER 771

HOUSE CONCURRENT RESOLUTION NO. 3074
(Representative Conmy)
(Senator Olson)

TAX COMMISSIONER CONFIDENTIALITY STUDY

A concurrent resolution calling for a Legislative Council study of the confidentiality statutes governing the office of the tax commissioner.

WHEREAS, the North Dakota state tax commissioner has broad discretionary powers; and

WHEREAS, the tax returns of individuals and corporations are deemed by federal and state law to be confidential records; and

WHEREAS, legislation imposing forms of taxation upon individuals and corporations is often complex and subject to differing interpretations; and

WHEREAS, based upon press releases and press conferences staged by the tax commissioner, large payments, amounts not specified, have been received from "out-of-state corporations", not identified, based upon compromises, details not published, through the efforts of the tax commissioner; and

WHEREAS, it appears that taxes due cannot be constitutionally compromised, but audits and interpretations leading to the assessment of taxes may be administratively adjusted by the tax commissioner; and

WHEREAS, the public determination of whether such administrative adjustments are truly in the best interests of the state of North Dakota cannot be made, as the actions of the tax commissioner are shielded from the cleansing and regulating effect

of media exposure through the operation of the confidentiality statutes; and

WHEREAS, the exercise of administrative discretion by the tax commissioner in the secrecy afforded by the confidentiality statutes may create an unhealthy climate conducive to corruption; and

WHEREAS, the tax commissioner, if accused of improper conduct, would be unable to adequately defend the administrative discretionary actions because of the confidentiality statutes; and

WHEREAS, it may be in the best interests of the state of North Dakota to have final decisions on audit adjustments and interpretations made by a board of elected officials rather than by a sole individual;

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

That the Legislative Council study the existing confidentiality statutes and the possibility of opening the administrative actions of the tax commissioner to the cleansing effect of public scrutiny and the feasibility of creating a review and final approval process of tax dispute settlement by a board of elected state officials rather than leaving it to the sole discretion of one individual operating in secrecy; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 772

HOUSE CONCURRENT RESOLUTION NO. 3075
(Kretschmar)

UNIFORM LAWS STUDY

A concurrent resolution directing the Legislative Council to study the desirability of adopting uniform or model laws where uniformity in state laws is desirable and practicable.

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

WHEREAS, North Dakota leads the nation with respect to the number of uniform or model acts adopted as a means to promote uniformity in subject areas which need modernization, which are appropriate for uniformity in application, or which may be subject to federal preemption or control; and

WHEREAS, the Legislative Council is statutorily required to study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but for various reasons did not adopt, uniform Acts concerning personal relations, business practices, property interests, medical treatment, and probate procedures;

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

That the Legislative Council study the desirability of adopting the uniform or model acts considered, but not adopted by, the Forty-ninth Legislative Assembly, and any other uniform or model acts approved by the National Conference of Commissioners on Uniform State Laws the Legislative Council may select; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 773

HOUSE CONCURRENT RESOLUTION NO. 3076
(Committee on Appropriations)

STATE PAY PRACTICES STUDY

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

WHEREAS, state agencies and institutions should use equal pay for equal work as a basis for compensation increases to their employees; and

WHEREAS, state agencies and institutions should use uniform procedures to evaluate employee performance; and

WHEREAS, procedures used by state agencies and institutions to determine the amount of employee compensation increases are not uniform and sometimes not based upon formal evaluation techniques;

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

That the Legislative Council conduct an interim study of state agency and institution policies and procedures used for determining the level of employee compensation and compensation increases, including a comprehensive study of each of the following:

1. The State Central Personnel Division's market survey techniques, including the determination of equivalent job values in setting pay ranges;
2. The problem of the need or perceived need for major equity adjustments in salaries to place state employees in the proper steps in their pay grades based on years of service and job performance;
3. The lack of an agencywide job evaluation system based on uniform standards of objective criteria to be used by supervisors in evaluating employees for pay increases and promotions;

4. The staffing needs of the State Central Personnel Division to adequately perform its functions, including the provision of technical assistance to offices and agencies which do not have staff which specializes in personnel matters; and

BE IT FURTHER RESOLVED, that the Legislative Council determine the feasibility of the State Central Personnel Division establishing uniform guidelines for making compensation increases for employees of the classified system; and

BE IT FURTHER RESOLVED, that the Legislative Council make its report and recommendations, together with any legislation required to implement the recommendations, to the Fiftieth Legislative Assembly.

Filed March 29, 1985

CHAPTER 774

HOUSE CONCURRENT RESOLUTION NO. 3077
(Unhjem)IMPLEMENTATION OF DEINSTITUTIONALIZATION
STUDY

A concurrent resolution directing the Legislative Council to study the ongoing implementation of the federal district court order concerning deinstitutionalization of developmentally disabled persons.

WHEREAS, on August 31, 1982, the United States District Court issued its decision in the matter of Association for Retarded Citizens of N.D. v. Olson, 561 F.Supp. 473 (1982) ("ARC"); and

WHEREAS, on March 7, 1984, the district court issued an implementation order expanding on its decision and containing numerous provisions and requirements imposed on the state; and

WHEREAS, the implementation order required the state to seek placement of the developmentally disabled in existing licensed or accredited facilities, or to create community-based residential services meeting standards sufficient to reduce the number of residents at the Grafton State School to not more than 450 persons by July 1, 1987, and by that date to present to the court a program to reduce the residents by at least an additional 200 persons before July 1, 1989; and

WHEREAS, this requirement was amended by a November 7, 1984, district court order that created an additional deadline for reducing the number of residents at the Grafton State School to not more than 552 persons by July 1, 1985; and

WHEREAS, the implementation order requires the state to develop a plan and timetable to ensure that all buildings at the Grafton and San Haven state institutions meet federal and state standards on specified deadlines; and

WHEREAS, the district court retained continuing jurisdiction over the matter until the orders of the court are fully implemented; and

WHEREAS, the state is continuing its good faith efforts to comply with the court-established requirements; and

WHEREAS, such efforts involve the development of plans and procedures with far-reaching ramifications, and involve the appropriation and expenditure of large amounts of tax dollars; and

WHEREAS, the Legislative Assembly should take all necessary and appropriate steps to keep itself appraised of developments concerning these matters;

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

That the Legislative Council study the ongoing implementation of the court order issued in the ARC action by monitoring the specific actions proposed and taken in this regard, and investigating the cost impacts of proposed implementation plans, the effects of such plans as proposed or adopted on persons in this state including the developmentally disabled, the long-term budget effects of proposed or adopted implementation plans, and whether proposed plans are in the best interest of all the people involved; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 775

HOUSE CONCURRENT RESOLUTION NO. 3078 (Wald)

INSURANCE PLANS STUDY

A concurrent resolution directing the Legislative Council to study the regulation of property and casualty insurance plans created by local groups or associations.

WHEREAS, certain groups and associations have created insurance plans providing property and casualty insurance; and

WHEREAS, policies under these plans may be issued at rates that are inadequate to pay the cost of underwriting the policies, and may eventually cause the cancellation of the plan; and

WHEREAS, upon the cancellation of these insurance plans, other providers of property and casualty insurance have been unable to meet the sudden, unexpected demands for insurance coverage; and

WHEREAS, review of the authority of the commissioner of insurance to regulate the rates charged under these insurance plans and to regulate the cancellation of these policies is necessary to determine if legislative action is desirable;

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

That the Legislative Council study the desirability of enacting legislation to regulate specifically plans that provide property and casualty insurance by groups and associations, the premium rates charged under the plans, and the cancellation provisions of the plans; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 776

HOUSE CONCURRENT RESOLUTION NO. 3079
(Representatives Graba, DeMers, Sauter)
(Senator Shea)

ELDERLY TRANSPORTATION STUDY

A concurrent resolution directing the Legislative Council to study the adequacy and appropriateness of the funding of transportation assistance programs for the elderly and handicapped in North Dakota.

WHEREAS, the federal Transportation Assistance for Elderly and Handicapped, Community-Based Transportation Services for Seniors to Facilitate Access to Social and Nutritional Services, Transportation Assistance for Public Transportation in Rural Areas, and the Urban Transit Funds programs were established to assist states in providing transportation assistance to the elderly and the disabled; and

WHEREAS, the approximate annual ridership totals for these respective programs in North Dakota in 1984 were 123,000, 202,800, 350,000, and 900,000; and

WHEREAS, the approximate annual federal funding for these programs in North Dakota is \$187,000, \$250,000, \$385,000, and over \$1.5 million, respectively, in the form of operating grant assistance; and

WHEREAS, the President's fiscal year 1986 budget proposes the ending of all operating grant assistance and a significant reduction in overall mass transit funding; and

WHEREAS, the loss of such operating funds might seriously undercut the operation of these programs in North Dakota and might result in the elimination of services or an increase in user costs to levels above the reach of the intended beneficiaries;

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

That the Legislative Council study the impact of proposed cutbacks in federal funding for transportation assistance programs benefiting the elderly and disabled, and the adequacy and appropriateness of funding programs by which transportation assistance is made available to the elderly and the disabled in North Dakota; and

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

CHAPTER 777

HOUSE CONCURRENT RESOLUTION NO. 3080
(Sauter, Moore, Rydell, Oban, Schneider)

STATE EMPLOYEE CAFETERIA BENEFITS STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a "cafeteria" style benefit program for state employees.

WHEREAS, the state offers several benefit programs for state employees, including health insurance, retirement, and deferred compensation; and

WHEREAS, state employees have limited options with regard to structuring the usage of these programs to suit individual needs; and

WHEREAS, the cost to the state of providing some of these benefit programs has been rising, particularly in the state group health insurance program; and

WHEREAS, the federal Internal Revenue Code currently authorizes "cafeteria" employee benefit plans under which employees are provided by their employer with a credit to buy various benefits and levels of benefits at fixed or predetermined charges with each employee given the option to choose the benefit programs and levels of programs which best suit the employee's needs; and

WHEREAS, a "cafeteria" benefit plan for state employees could result in the containment of the costs of providing certain benefit programs, the reduction of employee taxes, and the flexibility to employees to adjust the benefits to individual needs;

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

That the Legislative Council is directed to study the feasibility and desirability of establishing a "cafeteria" style benefit program for state employees as authorized under the federal Internal Revenue 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 778

HOUSE CONCURRENT RESOLUTION NO. 3082
(Wald)

INSURANCE CANCELLATION-NONRENEWAL STUDY

A concurrent resolution directing the Legislative Council to study the cancellation, nonrenewal, and declination procedures and requirements for property and casualty insurance and automobile insurance.

WHEREAS, 1983 House Bill No. 1238, as codified in North Dakota Century Code Section 26-02-47, et seq., and recodified in Section 26.1-39-10, et seq., regulates the cancellation, nonrenewal, and declination of individual line property and casualty insurance, providing coverage for residential real and personal property damage and legal liability arising out of bodily injury; and

WHEREAS, the cancellation and nonrenewal of automobile insurance is regulated by North Dakota Century Code Section 26-02-32, et seq., recodified in Section 26.1-40-01, et seq.; and

WHEREAS, commercial property and casualty insurance is not regulated by the cancellation, nonrenewal, and declination provisions in Section 26-02-47, et seq.; and

WHEREAS, failure of these property and casualty insurance cancellation, nonrenewal, and declination provisions to apply to commercial insurance may result in inequities, hardships, and economic loss;

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

That the Legislative Council study the provisions regulating cancellation, nonrenewal, and declination of property and casualty insurance policies and automobile insurance policies and determine the desirability of enacting requirements for the cancellation, nonrenewal, and declination of commercial property and casualty insurance; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 779

HOUSE CONCURRENT RESOLUTION NO. 3083
(Representatives Wald, Whalen)
(Senator Tallackson)

FINANCIAL INSTITUTION INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the public policy of enacting legislation to regulate the issuance of life, property, casualty, and accident and health insurance by insurance agents who are owned or controlled by financial institutions.

WHEREAS, insurance agents controlled, owned, or otherwise influenced by financial institutions sell insurance policies to customers of the financial institutions; and

WHEREAS, financial institutions that own or control agents may exercise undue or coercive influence upon people receiving loans from the financial institutions, forcing the purchase of life, accident and health, property, and casualty insurance from the financial institution's insurance agent; and

WHEREAS, North Dakota Century Code Section 26.1-04-04, which prohibits financial institutions from coercing clients into purchasing insurance from a particular company or agent, is apparently difficult to enforce; and

WHEREAS, accessibility of loan information for agents controlled by financial institutions may inhibit other insurance agents from competing on the same level as the agents controlled by financial institutions; and

WHEREAS, this accessibility of loan information may violate the confidentiality requirements imposed upon financial institutions;

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

That the Legislative Council study the public policy of regulating the issuance of life, property, casualty, and accident and health insurance pursuant to a loan agreement by insurance agents controlled or owned by financial institutions; and

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

Filed March 26, 1985

CHAPTER 780

HOUSE CONCURRENT RESOLUTION NO. 3084
(Kloubec)

STATE ACCOUNTING SYSTEM STUDY

A concurrent resolution directing the Legislative Council to monitor and study the implementation of the new state accounting system.

WHEREAS, the 1981 Legislative Audit and Fiscal Review Committee recommended a complete revision of the state accounting system; and

WHEREAS, the Legislative Assembly in 1981, by law, directed changes in the accounting system and appropriated sufficient funds for its design and beginning implementation; and

WHEREAS, it is very important that the state of North Dakota have a complete and modern financial reporting and accounting system; and

WHEREAS, the Office of Management and Budget recommends that the Forty-ninth Legislative Assembly delay implementation of the system;

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

That the Legislative Council, through the Legislative Audit and Fiscal Review Committee, monitor and study the Office of Management and Budget's implementation of changes to the state accounting system; and

BE IT FURTHER RESOLVED, that the Office of Management and Budget provide the Legislative Audit and Fiscal Review Committee such assistance as may be necessary for the committee to monitor and study the implementation of changes to the 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 781

HOUSE CONCURRENT RESOLUTION NO. 3085 (House Appropriations Committee)

STATE AGENCY COMPUTER USE

A concurrent resolution directing the Legislative Council to study the maximum usage and accessibility of computers for all state agencies and institutions.

WHEREAS, Central Data Processing was created in 1969 as a result of an interim study of the state's then decentralized data processing efforts; and

WHEREAS, the office of Central Data Processing has been placed within the Office of Management and Budget, and is headed by a director who is in charge of supervision and regulation of electronic data processing activities of the executive branch state agencies, institutions, departments, and boards; and

WHEREAS, Central Data Processing also provides data processing services to the legislative and judicial branches of state government; and

WHEREAS, Central Data Processing provides services through its office and over 700 communicating devices connected to Central Data Processing's main computer, to over 40 state agencies and departments; and

WHEREAS, Job Service North Dakota, the Adjutant General, and the institutions under the control of the State Board of Higher Education are excepted from the services provided by Central Data Processing, and have separate computer facilities; and

WHEREAS, in 1973 the Legislative Assembly appropriated funds to establish a higher education computer network, which is being extended to all institutions under the State Board of Higher Education; and

WHEREAS, changes in computer hardware and software, the availability of microcomputers, and other changes and modernizations in the computer industry have advanced data storage and data transmission capabilities; and

WHEREAS, these changes may have created new possibilities or alternatives by which the state could maximize its usage and accessibility of computers;

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

That the Legislative Council study the office of Central Data Processing and other state computer systems, to determine the feasibility of maximizing usage and accessibility of state-owned computers for all state agencies and institutions; and

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

Filed March 26, 1985

CHAPTER 782

HOUSE CONCURRENT RESOLUTION NO. 3086
(Eckroth, Schmidt)

STATE FORESTER STUDY

A concurrent resolution directing the Legislative Council to study the duties, qualifications, and authority of the State Forester, the location of the office of the State Forester, and the placement of the State Forest Service under the jurisdiction of the Board of Higher Education.

WHEREAS, the duties, qualifications, and authority of the State Forester are set forth in North Dakota Century Code Chapter 4-19; and

WHEREAS, North Dakota Century Code Section 4-19-01 requires the State Forester to be a member of the staff of the State School of Forestry as designated by the Board of Higher Education; and

WHEREAS, the qualifications of the State Forester may require further delineation and the position of State Forester may necessitate specialized training at an accredited forestry school; and

WHEREAS, it may be more convenient to locate the office of the State Forester in Bismarck, at the seat of state government to allow for greater interaction with other state agencies, federal agencies, and the legislative assembly; and

WHEREAS, centrally locating the State Forester may reduce expenses and travel costs, and may increase the accessibility of the State Forester's office by private citizens; and

WHEREAS, the present placement of the State Forester under the Board of Higher Education creates a situation where additional funds for education may be channeled through the State Forest Service's budget; and

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

That the Legislative Council study the duties, qualifications, and authority of the State Forester, the location of the office of the State Forester, and the desirability of removing the State Forest Service from the jurisdiction of the Board of Higher Education; and

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

Filed March 26, 1985

CHAPTER 783

HOUSE CONCURRENT RESOLUTION NO. 3087
(DeMers, Martinson, R. Berg)

HEALTH INSURANCE SELF-ADMINISTRATION STUDY

A concurrent resolution directing the Legislative Council to study the desirability of providing for self-administration of the state uniform group health insurance program.

WHEREAS, the state provides health insurance coverage for public employees in the state through the state uniform group health insurance program; and

WHEREAS, the State Retirement Board, pursuant to chapter 580 of the 1983 Session Laws, established on July 1, 1983, a state self-insurance plan for providing health insurance coverage under an administrative services only (ASO) contract under the state uniform group health insurance program; and

WHEREAS, the self-insured state uniform group health insurance has resulted in increased efficiencies and cost savings to the state; and

WHEREAS, further cost savings and efficiencies may be achieved if the state establishes a self-administered uniform group health insurance program; and

WHEREAS, a self-administered state uniform group health insurance program would allow more state control and could result in additional efficiencies with regard to billing, payment of claims, and ratesetting procedures;

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

That the Legislative Council study the desirability of providing for the self-administration of the state uniform group health insurance program, including an examination of the cost and administrative benefits that could accrue under a self-administered 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 784

HOUSE CONCURRENT RESOLUTION NO. 3089
(Kent, Shide, Laughlin)

GRAIN WAREHOUSEMEN INSOLVENCY STUDY

A concurrent resolution directing the Legislative Council to study grain warehousemen insolvencies and insolvencies of grain buying or commission firms, and the feasibility of providing bond coverage for credit-sales contracts.

WHEREAS, grain warehousemen insolvencies have become more prevalent in the last few years due to the current economic difficulties; and

WHEREAS, grain warehousemen insolvencies have been partially caused by the insolvencies of grain buying or commission firms; and

WHEREAS, the insolvencies of grain warehousemen may have a severe economic effect upon the grain producers of the state of North Dakota; and

WHEREAS, North Dakota Century Code Section 60-02-09 requires grain warehousemen to post bonds to protect the holders of outstanding receipts and protect people dealing with the warehousemen; and

WHEREAS, this bond coverage does not extend to the benefit of persons entering into credit-sales contracts; and

WHEREAS, it may be advisable to provide insolvency protection for North Dakota grain producers who sell grain by credit-sales contracts;

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

That the Legislative Council study the insolvencies of grain warehousemen and grain buying or commission firms, and the feasibility of providing surety bond coverage, insurance coverage, or other insolvency protection for grain producers entering into credit-sales contracts with public warehousemen; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 785

HOUSE CONCURRENT RESOLUTION NO. 3090
(Representatives Nowatzki, Nicholas, A. Olson)
(Senator Vosper)

PEMBINA RIVER BASIN STUDY

A concurrent resolution directing the Legislative Council to study the Pembina River Basin, including soil, water, wildlife, and ecological resource management needs and the potential for the development of recreational and historical resources.

WHEREAS, the Pembina River Basin located in the northeastern portion of the state is an area of rich historical value with a number of historical sites; and

WHEREAS, the soil, water, wildlife, and ecological resource management needs of the basin and surrounding area are important to the preservation of the economy and beauty of this part of the state; and

WHEREAS, recurring flooding of the lower Pembina River Basin continues to be a problem and major concern of the state; and

WHEREAS, the recreational development potential of the Pembina River Basin's natural resources should be studied in order to secure the maximum benefits from those resources for the citizens of this state and in order to promote tourism for the economic betterment of the state;

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

That the Legislative Council study the Pembina River Basin, including soil, water, wildlife, and ecological resource management needs and the potential for the development of recreational and historical resources; and

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

Filed March 26, 1985

CHAPTER 786

HOUSE CONCURRENT RESOLUTION NO. 3092
(Sauter, A. Hausauer, Richard, Moore)

TAX STRUCTURE

A concurrent resolution directing the Legislative Council to study the present adequacy and equity of the structure of taxes levied by the state and the prospects for future changes in revenues from the various taxes imposed by the state.

WHEREAS, the ability of the state of North Dakota to provide services to its citizens is dependent upon revenues from the various taxes imposed by the state; and

WHEREAS, many changes in the imposition of taxes, tax rates, and exemptions from taxes have occurred since the tax structure of the state was last comprehensively examined by the Legislative Council; and

WHEREAS, it is essential for the Legislative Assembly to have adequate information on the present burden of state imposed taxes on citizens and industries of the state and to anticipate future changes in revenue from various taxes, particularly taxes imposed on the energy industry in order to formulate policy regarding present and future tax structure;

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

That the Legislative Council study the adequacy and equity of the present and future tax structure of the state and the anticipated future needs and revenues from those taxes; 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 Fiftieth Legislative Assembly.

Filed March 26, 1985

CHAPTER 787

HOUSE CONCURRENT RESOLUTION NO. 3093
(Representatives R. Anderson, Hughes, Rice)
(Senators Wenstrom, D. Meyer, Bakewell)

OUTSTANDING YOUNG FARMER CONGRATULATED

A concurrent resolution congratulating Peter Nygaard on being named one of the nation's four outstanding young farmers of 1985 by the United States Jaycees.

WHEREAS, the United States Jaycees give awards to the nation's four outstanding young farmers based on criteria including progress in an agricultural career, extent of soil and water conservation practices, and contributions to the well-being of the state, community, and nation; and

WHEREAS, Peter Nygaard farms 9,300 acres in wheat, barley, safflower, and sunflowers, with winter wheat as his main crop; and

WHEREAS, his experimentation with chemical fallow and continuous cropping no-till systems has contributed to his agricultural success; and

WHEREAS, he is active in the North Dakota Wheat Producers, the National Association of Wheat Growers, and the promotion of farm legislation; and

WHEREAS, he was named the Outstanding North Dakota Farmer by the North Dakota Jaycees in October 1984; and

WHEREAS, he was one of four men chosen from a field of 41 state winners and was honored at the annual Outstanding Young Farmer Award Congress in Great Falls, Montana; and

WHEREAS, he is the tenth North Dakotan to receive this award;

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

That the Forty-ninth Legislative Assembly of the state of North Dakota extends its sincere and hearty congratulations to Peter Nygaard of Williston, North Dakota, on being named one of the nation's four outstanding young farmers of 1985 by the United States Jaycees; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Peter Nygaard and to the Williston Jaycees.

Filed March 26, 1985

CHAPTER 788

HOUSE CONCURRENT RESOLUTION NO. 3094
(Mertens)
(Approved by the Committee on Delayed Bills)

ALTERNATIVE HIGHER EDUCATION SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of and the various means and methods of, as well as the timing involved in, the development and transition to an alternative structure for the higher education system encompassing all state institutions of higher education in the state of North Dakota, and to study admissions and tuition policies for foreign and nonresident students, and that the Legislative Council conduct the study in cooperation with the Board of Higher Education.

WHEREAS, higher education in North Dakota has become increasingly expensive to the extent that it may be impractical to continue the system as presently operated; and

WHEREAS, elimination of duplicate programs, services, recordkeeping, and administrative personnel at state institutions of higher education may provide substantial savings for North Dakota taxpayers in the future; and

WHEREAS, several other states have alternative systems which may be more cost-effective and efficient than the system that now exists in North Dakota; and

WHEREAS, numerous proposals for restructuring the system of higher education involving many different proposed systems have been considered by the Forty-ninth Legislative Assembly; and

WHEREAS, the number of foreign students, students participating in the Minnesota-North Dakota reciprocity program, and other nonresident students are an important part of the educational, cultural, and financial makeup of the several institutions; and

WHEREAS, there must be cooperation and coordination in identifying the higher education needs, resources, and priorities to ensure that quality education and fiscal responsibility are reconciled in the best interest of the people of the state of North Dakota;

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

That the Legislative Council study the feasibility of and the various means and methods of, as well as the timing involved in, the development and transition to an alternative higher education system encompassing all state institutions of higher education in the state; and

BE IT FURTHER RESOLVED, that this study of the alternative system of higher education in North Dakota include a thorough examination of admissions and tuition policies for foreign students and all nonresident students; and

BE IT FURTHER RESOLVED, that the Legislative Council conduct the study in cooperation with the Board of Higher Education; and

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

Filed April 3, 1985

CHAPTER 789

HOUSE CONCURRENT RESOLUTION NO. 3096
(D. Olsen)
(Approved by the Committee on Delayed Bills)

TUITION RECIPROCITY STUDY

A concurrent resolution directing the Legislative Council to study the positive and adverse impacts of tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government.

WHEREAS, the cost of providing postsecondary educational programs continues to increase; and

WHEREAS, there are presently a large number of nonresident and foreign students enrolled in state postsecondary institutions and also a large number of resident students enrolled in similar institutions located outside the state; and

WHEREAS, the State Board of Higher Education has exercised its authority to provide tuition reciprocity for certain nonresident students; and

WHEREAS, the total impact on communities, institutions, students, and state government should be determined before extending, withdrawing from, or making substantial adjustments to tuition reciprocity agreements; and

WHEREAS, tuition reciprocity agreements for vocational education programs have recently been entered into by the State Board of Higher Education;

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

That the Legislative Council study the positive and adverse impacts of tuition reciprocity agreements on postsecondary educational institutions, the communities where such institutions are located, postsecondary students, and state government; 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 Fiftieth Legislative Assembly.

Filed April 4, 1985

CHAPTER 790

HOUSE CONCURRENT RESOLUTION NO. 3097
(Kingsbury, Gunsch)
(Approved by the Committee on Delayed Bills)

STATE MEDICAL EXAMINER STUDY

A concurrent resolution directing the Legislative Council to study whether there is a need for a medical examiner system in this state, and the feasibility of implementing a medical examiner system that would include the use of a full-time forensic pathologist as chief medical examiner.

WHEREAS, North Dakota has a county coroner system; and

WHEREAS, under this system each county appoints its own coroner, and in 13 of the state's 53 counties the coroner's position is filled by a funeral director or sheriff; and

WHEREAS, none of the counties with physicians as coroners has a forensic pathologist filling the coroner position; and

WHEREAS, forensic pathology is the study of material evidence and the study of the corpse at the scene of the death and in the laboratory to determine from a medical standpoint the cause of death and whether the death may have resulted from criminal actions; and

WHEREAS, authorities estimate that of the approximately 5,500 annual deaths in this state, 1,000 are suspect and should be investigated, and 400 would probably require autopsies; and

WHEREAS, a medical examiner system would not only be concerned with criminal investigations, but also with suspect deaths including death by poison, sudden deaths of apparently healthy persons, deaths in state institutions or while in public custody, deaths from work-related disease, or deaths from diseases that may constitute public health threats; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but did not pass, Senate Bill No. 2441, which would have created a comprehensive statewide medical examiner's system to replace the county coroner system;

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

That the Legislative Council study the existing county coroner system, whether a need exists for a statewide medical examiner system utilizing a forensic pathologist as a state medical examiner, and the feasibility and costs of implementing various forms of a statewide medical examiner 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 Fiftieth Legislative Assembly.

Filed April 3, 1985

CHAPTER 791

HOUSE CONCURRENT RESOLUTION NO. 3098
(Representatives Wentz, Riley, Kretschmar)
(Senators Olson, Redlin, Holmberg)
(Approved by the Committee on Delayed Bills)

MARITAL PROPERTY STUDY

A concurrent resolution directing the Legislative Council to study the Uniform Marital Property Act, existing marital property law in this state, and the marital property laws of other states.

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

WHEREAS, many changes have occurred in our society's perception of the proper duties, rights, and obligations of marital relationships; and

WHEREAS, the laws on ownership and division of marital property have in recent years undergone considerable change in this and other states; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but did not adopt, Senate Bill No. 2180, the Uniform Marital Property Act, based in part on questions about the present state of marital property law in this state, and the effect that enactment of the Uniform Marital Property Act would have on ownership and division of marital property in this state;

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

That the Legislative Council study the present marital property law in this and other states, and the desirability of adopting the Uniform Marital Property Act considered, but not adopted, by the Forty-ninth 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 Fiftieth Legislative Assembly.

Filed April 3, 1985

CHAPTER 792

HOUSE CONCURRENT RESOLUTION NO. 3101
(Committee on Appropriations)
(Approved by the Committee on Delayed Bills)

WORKMEN'S COMPENSATION BUREAU STRUCTURE STUDY

A concurrent resolution directing the Legislative Council to study alternative organizational and administrative structures for the Workmen's Compensation Bureau.

WHEREAS, to maintain the efficient and effective organization of state government the Legislative Assembly should review and coordinate continuously the functions of various state agencies; and

WHEREAS, the organizational and administrative structure of the Workmen's Compensation Bureau differs from that of most other state agencies; and

WHEREAS, a coordinated and cost efficient effort to deliver services may be better achieved through a reorganization of the Workmen's Compensation Bureau;

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

That the Legislative Council study alternative organizational and administrative structures for the Workmen's Compensation Bureau; 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 Fiftieth Legislative Assembly.

Filed April 4, 1985

CHAPTER 793

HOUSE CONCURRENT RESOLUTION NO. 3102
(J. Peterson, Martinson, Mertens, Rydell)
(Approved by the Committee on Delayed Bills)

NATIONAL GUARD ARMORY NAME

A concurrent resolution urging the National Guard to name the proposed new National Guard armory in Bismarck after Brigadier General Raymond J. Bohn.

WHEREAS, the Deputy Adjutant General of the State of North Dakota, Brigadier General Raymond J. Bohn died on Thursday, March 7, 1985, at the age of 55; and

WHEREAS, Brigadier General Raymond J. Bohn served this Nation and State as a member of the North Dakota Army National Guard since September 21, 1950, as State Director of the Selective Service System, as Deputy Adjutant General, and in other responsible positions; and

WHEREAS, Brigadier General Raymond J. Bohn was awarded the United States Legion of Merit and also the North Dakota Legion of Merit, along with other awards and recognitions, for his services; and

WHEREAS, Brigadier General Raymond J. Bohn was held in the highest esteem by the men and women of the Army National Guard with whom he served, and by the people of this state for whom he served; and

WHEREAS, through his many years of service Brigadier General Raymond J. Bohn made a significant and lasting contribution to the National Guard, to the state, and to his community; and

WHEREAS, the construction of a new National Guard armory in Bismarck has been proposed; and

WHEREAS, the naming of this new armory after Brigadier General Raymond J. Bohn would be an appropriate and lasting expression of gratitude for the service he gave to his state and to his country;

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

That the Forty-ninth Legislative Assembly urges the National Guard to give lasting recognition to one of its distinguished officers by naming the proposed National Guard armory in Bismarck after Brigadier General Raymond J. Bohn; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the National Guard Bureau of the United States, and the Adjutant General of the North Dakota National Guard.

Filed April 9, 1985

CHAPTER 794

HOUSE CONCURRENT RESOLUTION NO. 3104
(Kretschmar)

MUNICIPAL COURT SERVICES STUDY

A concurrent resolution directing the Legislative Council to study municipal court services.

WHEREAS, municipal courts provide important services to all citizens in North Dakota; and

WHEREAS, municipal judges and municipalities in North Dakota today face increased exposure to substantial future liabilities as a result of recent federal court cases; and

WHEREAS, legislative changes may be urgently needed to improve municipal court services and to reduce the risk of potential future liability;

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

That the Legislative Council is directed to study the present structure of municipal court services; and

BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Council may consult with the Chief Justice and justices of the North Dakota Supreme Court, the judges of the trial courts, the State Court Administrator, the North Dakota League of Cities, and the State Bar Association of North Dakota, and that the study may be combined with other Legislative Council studies relating to the North Dakota judicial branch of government; 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 Fiftieth Legislative Assembly.

Filed April 9, 1985

CHAPTER 795

HOUSE CONCURRENT RESOLUTION NO. 3105
(Representatives Murphy, Goetz, Hughes, R. Anderson)
(Senators Bakewell, Adams)
(Approved by the Committee on Delayed Bills)

OIL AND GAS LAWS STUDY

A concurrent resolution directing the Legislative Council to study the oil and gas laws, with emphasis on those laws relating to royalty owners and surface owner protection.

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

WHEREAS, the development of these resources has resulted in the adoption of many statutes and administrative rules governing oil and gas activities; and

WHEREAS, existing statutes, rules, and practices are extremely complex and make it difficult for affected individuals to determine their rights and responsibilities; and

WHEREAS, the continued development of oil and gas resources in this state makes it imperative that the oil and gas laws be reviewed to assure that problems associated with oil and gas development are adequately addressed, that taxes are correctly reported and paid, that statutes and rules are clear and understandable, and that royalty owners' and surface owners' rights are clear and that they have access to production reports and other information necessary to determine their rights;

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

That the Legislative Council study the oil and gas statutes, administrative rules, and practices in this state, with emphasis on making the statutes and rules clear and understandable and assuring that taxes are correctly reported and paid and that royalty owners and surface owners are adequately protected and have access to production reports and other information necessary to determine their rights; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to hold hearings in the oil development area and to include citizen members on the committee which conducts the study; and

BE IT FURTHER RESOLVED, that the Legislative Council seek the assistance and advice of the Attorney General, Tax Commissioner, State Auditor, Industrial Commission, Board of University and School Lands, and Public Service Commission in conducting this study; 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 Fiftieth Legislative Assembly.

Filed April 9, 1985

CHAPTER 796

HOUSE CONCURRENT RESOLUTION NO. 3106
(O. Hanson)
(Approved by the Committee on Delayed Bills)

NATIONAL SCHOOL LUNCH PROGRAM

A concurrent resolution urging the President of the United States and the Congress of the United States to maintain full funding for the National School Lunch Program.

WHEREAS, since its implementation in 1946, the basic and original purpose of the National School Lunch Program, to improve the nutritional status of children and to promote the utilization of agricultural products, appears to have been fulfilled; and

WHEREAS, the President's 1986 proposed budget would reduce National School Lunch Program aid to North Dakota schools by more than \$2,600,000 a year and would substantially reduce federal aid for other child nutrition programs; and

WHEREAS, it has been estimated by the American School Food Service Association that nationally between 8,000 and 10,000 schools serving 5,000,000 to 6,000,000 children will terminate school nutrition programs because of the proposed budget cuts in the National School Lunch Program; and

WHEREAS, the nutritional status of this country's youth is vital to their health and the future welfare of this state and the nation;

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

That the Forty-ninth Legislative Assembly urges the President of the United States and the Congress of the United States to maintain full funding for the National School Lunch Program; and

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

Filed April 9, 1985

CHAPTER 797

HOUSE CONCURRENT RESOLUTION NO. 3107
(Representative Nalewaja)
(Senator Kilander)
(Approved by the Committee on Delayed Bills)

STATE CONSTRUCTION NEEDS STUDY

A concurrent resolution directing the Legislative Council to determine current state construction needs, develop a systematic approach for the planning and the establishment of priorities for future state construction projects, and to study alternative means to finance such projects.

WHEREAS, the Legislative Assembly is responsible for determining the need for proposed state capital construction projects; and

WHEREAS, because of the expense and importance of providing and maintaining adequate public facilities to meet the state's needs, and because the state's resources to meet those needs are limited, the Legislative Assembly must consider alternative methods of financing capital construction projects; and

WHEREAS, the state of North Dakota needs a long-range systematic plan for financing and constructing public facilities;

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

That the Legislative Council is directed to determine current state construction needs, develop a systematic approach for the planning and the establishment of priorities for state construction projects, and to study alternative means to finance such projects; 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 Fiftieth Legislative Assembly.

Filed April 9, 1985