

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 804

SENATE CONCURRENT RESOLUTION NO. 4001  
(Legislative Council)  
(Interim Budget "B" Committee)

### INVESTMENT BOARD-PUBLIC EMPLOYEES RETIREMENT SYSTEM FUNDS STUDY

A concurrent resolution directing the Legislative Council to study the investment powers and performance of the State Investment Board and funds of the Public Employees Retirement System.

WHEREAS, 1983 House Concurrent Resolution No. 3070 directed a Legislative Council study of the investment powers of the State Investment Board and the investment of funds of the Public Employees Retirement System; and

WHEREAS, the State Investment Board and the Public Employees Retirement System manage the investing of over \$500 million; and

WHEREAS, the state's investment goal is to realize maximum returns on investments with limited risks; and

WHEREAS, the Legislative Council's Budget "B" Committee completed its study on the investment powers of the State Investment Board and the Public Employees Retirement System and recommended improvements; and

WHEREAS, the Legislative Council should monitor the implementation of the recommended improvements; and

WHEREAS, the Budget "B" Committee recommends that the Legislative Council continue its study to determine what further improvements in the state's investment of funds can be made;

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

That the Legislative Council conduct a study of the investment powers and performance of the State Investment Board and funds of the Public Employees Retirement 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.

## CHAPTER 805

SENATE CONCURRENT RESOLUTION NO. 4002  
(Legislative Council)  
(Interim Budget "C" Committee)

### LONG-TERM CARE FACILITY MEDICAID REIMBURSEMENT

A concurrent resolution urging the Department of Human Services to revise its long-term care facility Medicaid reimbursement system.

WHEREAS, the Legislative Council's Budget "C" Committee during the 1983-84 interim conducted a study of the state's Medicaid reimbursement system for long-term care facilities; and

WHEREAS, the committee determined that the state's present Medicaid reimbursement system may shift some of the costs of long-term care applicable to Medicaid patients to those patients paying for their own care; and

WHEREAS, the committee determined that incentives should be included in the Medicaid reimbursement system to encourage improved levels of care, accomplish efficient management, contain costs, and reduce the differential between Medicaid and private pay patient rates; and

WHEREAS, the committee determined that a revision of the Medicaid reimbursement system with the proper incentives will assist in accomplishing these goals;

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

That the Forty-ninth Legislative Assembly urges the Department of Human Services to revise its long-term care facility Medicaid reimbursement system; and

BE IT FURTHER RESOLVED, that the Forty-ninth Legislative Assembly urges the Department of Human Services to:

1. Implement a uniform financial reporting system by January 1, 1985, to ensure that accurate comparisons among long-term care facilities can be made.

2. Design and develop before July 1, 1987, a revised prospective long-term care Medicaid reimbursement system that includes:
  - a. Rates based on budgets developed in accordance with Department of Human Services requirements calculated by using historical cost trends with appropriate adjustments for the type of long-term care facility, level of care delivered, and projected economic and other changes.
  - b. Long-term care facility budget requirements including defined allowable and unallowable costs.
  - c. An incentive formula rewarding high-cost facilities that reduce costs and low-cost facilities that maintain or lower their costs. Only facilities delivering prescribed standards of care should receive financial incentives. Financial disincentives should be provided for facilities that do not reduce excessive costs. The incentive formula should:
    - (1) Provide long-term care facilities with reasonable compensation for services rendered and an adequate return on investment for proprietary and nonprofit facilities.
    - (2) Place limitations on state reimbursement for excessive property costs and established dollar limitations on the required capitalization of acquired assets.
    - (3) Recognize necessary and justified new programs and other necessary changes within long-term care facilities that are included in a facility's proposed budget and affect the cost of future operations.
3. Secure reports from long-term care facilities delineating cost items and categories not reimbursed under the reimbursement formula but charged to private pay patients.
4. Have the revised prospective Medicaid reimbursement system operational on January 1, 1988.
5. Attempt to establish new Medicaid reimbursement rates before the beginning of each facility's fiscal year and no later than three months after that date.
6. Adjust the prospective reimbursement rates to a lower level only if the department determines that information provided by a long-term care facility has been materially or intentionally misstated; and

BE IT FURTHER RESOLVED, that the Department of Human Services report to the Legislative Council, or any committee the Legislative Council designates, during the 1985-86 interim on the department's progress in designing and developing the revised prospective Medicaid reimbursement system for long-term care facilities.

Filed April 5, 1985

## CHAPTER 806

SENATE CONCURRENT RESOLUTION NO. 4003  
(Legislative Council)  
(Interim Budget "C" Committee)

### LONG-TERM CARE FACILITY CODE OF ETHICS

A concurrent resolution urging long-term care facilities in this state to develop a long-term care facility code of ethics that includes guidelines to promote uniformity in the basis for charging for ancillary services and miscellaneous supplies.

WHEREAS, many residents of long-term care facilities have limited resources; and

WHEREAS, the factors long-term care facilities in North Dakota use to base their charges for ancillary services (services not necessarily required by or provided to all residents, including physical therapy) and miscellaneous supplies are not uniform; and

WHEREAS, some residents of long-term care facilities and their family members believe some of the charges for ancillary services and miscellaneous supplies are excessive and bear little relationship to the facilities' costs of providing the services or supplies; and

WHEREAS, these residents of long-term care facilities and their family members are frustrated by the amounts charged and the lack of information concerning the basis for the charges for these services and supplies; and

WHEREAS, because the basis used in pricing ancillary services and supplies are not uniform among facilities, residents and family members have difficulty comparing prices;

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

That the Forty-ninth Legislative Assembly urges long-term care facilities in North Dakota to develop a long-term care facility code of ethics that includes uniform methods of determining the basis for charging for ancillary services and miscellaneous supplies; and

BE IT FURTHER RESOLVED, that every long-term care facility provide a current copy of this code of ethics, and revisions to the code when the revisions occur, to residents of the facility; and

BE IT FURTHER RESOLVED, that the North Dakota Hospital Association and the North Dakota Health Care Association are urged to develop certification procedures that allow member facilities the opportunity to publicize their compliance with this code of ethics.

## CHAPTER 807

### SENATE CONCURRENT RESOLUTION NO. 4004 (Legislative Council) (Interim Education "A" Committee)

## POSTSECONDARY SPECIAL EDUCATION PROGRAM

A concurrent resolution urging the United States Department of Education to approve the application for federal funds for a postsecondary special education program at the North Dakota State University-Bottineau Branch.

WHEREAS, the provision of special education services and programs has become an increasingly important consideration in the education of handicapped citizens; and

WHEREAS, appropriate opportunities for classroom and laboratory instruction, practical living skills, and actual work experience must be provided to handicapped persons to bring them toward the mainstream of economic and social life; and

WHEREAS, because approximately 70 percent of all North Dakota secondary school students attend a postsecondary educational institution to develop specialized employment skills and a large number of the remaining secondary school students engage in agricultural related employment, there exists a shortage and need for persons trained with other job skills for entry level positions of employment; and

WHEREAS, the North Dakota State University-Bottineau Branch and the Bottineau Peace Garden Special Education Cooperative have submitted a grant proposal to the United States Department of Education for federal funds to establish a two year college level program for high school graduates with learning disabilities to train them with entry level job skills leading to a two year associate's degree; and

WHEREAS, this program would be the first of its kind in the nation and could be demonstrated as a national model for the training of handicapped persons with needed job skills;

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

That the Forty-ninth Legislative Assembly urges the United States Department of Education to approve the joint application submitted by the North Dakota State University-Bottineau Branch and the Bottineau Peace Garden Special Education Cooperative for federal funds to implement a program designed to train educable handicapped persons with marketable job skills in postsecondary educational institutions; and

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

## CHAPTER 808

SENATE CONCURRENT RESOLUTION NO. 4006  
(Legislative Council)  
(Interim Government Reorganization Committee)

### LABOR AND EMPLOYMENT SERVICES COORDINATION

A concurrent resolution directing the Department of Labor, the North Dakota Workmen's Compensation Bureau, and Job Service North Dakota to coordinate their efforts in providing labor and employment services to the people of North Dakota.

WHEREAS, separate reporting forms are required for employers reporting their payroll for unemployment compensation and workmen's compensation purposes; and

WHEREAS, the requirement for separate reporting forms is partially due to the variations in statutory reporting requirements between agencies; and

WHEREAS, the Department of Labor, Workmen's Compensation Bureau, and Job Service North Dakota each perform separate audits of employer payroll records for unemployment insurance contribution compliance, workmen's compensation contribution compliance, and wage and hour compliance; and

WHEREAS, Job Service North Dakota has 14 local offices located throughout the state which could possibly share office space with the Workmen's Compensation Bureau and the Department of Labor; and

WHEREAS, cost benefits may be realized by combining administrative and data processing services of the three agencies; and

WHEREAS, a coordinated and cost-efficient effort may be better achieved by combining the efforts of these agencies of government service;

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

That the Forty-ninth Legislative Assembly directs the Department of Labor, the North Dakota Workmen's Compensation Bureau, and Job Service North Dakota to coordinate their efforts in providing labor and employment services, with special emphasis given to: combining reporting forms and resolving variations in statutory reporting requirements; combining payroll auditing functions; sharing office space; and combining administrative and data processing services; and

BE IT FURTHER RESOLVED, that the Department of Labor, the North Dakota Workmen's Compensation Bureau, and Job Service North Dakota report on their progress in implementing these recommendations, and recommend any legislation necessary for implementation, to the Legislative Council, or any committee it designates, during the 1985-86 interim.

## CHAPTER 809

SENATE CONCURRENT RESOLUTION NO. 4007  
(Legislative Council)  
(Interim Political Subdivisions "A" Committee)

### REGIONAL AIRPORT AUTHORITIES SUPPORT — MINNESOTA

A concurrent resolution expressing support of the state of North Dakota for a regional airport authority serving the areas of Moorhead, Minnesota, and Fargo, North Dakota, and of East Grand Forks, Minnesota, and Grand Forks, North Dakota, and urging the Minnesota Legislature to enact legislation authorizing creation of regional airport authorities serving those two pairs of cities.

WHEREAS, the cities of Moorhead, Minnesota, and Fargo, North Dakota, and the outlying parts of Clay County, Minnesota, and Cass County, North Dakota, have a closely allied and interrelated market area and economy; and

WHEREAS, the cities of East Grand Forks, Minnesota, and Grand Forks, North Dakota, and the outlying parts of Polk County, Minnesota, and Grand Forks County, North Dakota, have a closely allied and interrelated market area and economy; and

WHEREAS, those areas are served by regional air carrier airports located in North Dakota, the airport in Fargo being known as Hector Field, and the airport in Grand Forks being known as Grand Forks Mark Andrews International Airport; and

WHEREAS, funds for the operation of these airports are provided in large part by tax levies within the city limits of Fargo for Hector Field and within the city limits of Grand Forks for Grand Forks Mark Andrews International Airport; and

WHEREAS, a substantial part of the use of these airports comes from residents of Minnesota who are thus not part of the property tax bases of Fargo or Grand Forks; and

WHEREAS, opportunities for acquiring necessary revenue to meet the operating expenses of these airports are limited when the property tax bases are limited to the cities in which the airports are located; and

WHEREAS, if regional airport authorities were established, revenue to finance the operations of these airports could be obtained from the entire area served by each airport, thus resulting in a higher overall quality of service provided at each airport; and

WHEREAS, responsible officials of Moorhead, Minnesota, and Clay County, Minnesota, have expressed an interest in establishing a regional airport authority having multistate jurisdiction; and

WHEREAS, in the opinion of the Attorney General of Minnesota, Clay County and the city of Moorhead "have no authority to participate in the creation or operation of a 'regional airport authority' as envisioned by North Dakota law";

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

That the Forty-ninth Legislative Assembly urges the Minnesota Legislature to enact legislation that would authorize Clay County and the city of Moorhead as well as Polk County and the City of East Grand Forks to participate in the creation or operation of regional airport authorities serving their respective communities; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor of Minnesota, the leaders of the Minnesota Legislature, the members of the Minnesota Legislature representing Polk and Clay Counties, the commissioner of the Minnesota Department of Transportation, the executive and legislative officials of Clay County and Polk County, and the executive and legislative officials of the cities of Moorhead and East Grand Forks, Minnesota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the governors of South Dakota and Montana, and the leaders of the South Dakota and Montana Legislatures.

Filed March 26, 1985

## CHAPTER 810

SENATE CONCURRENT RESOLUTION NO. 4008  
(Legislative Council)  
(Interim Political Subdivisions "A" Committee)

### REGIONAL AIRPORT AUTHORITIES SUPPORT — SOUTH DAKOTA

A concurrent resolution expressing support of the state of North Dakota for establishing regional airport authorities serving the areas along the border between North Dakota and South Dakota, and urging the South Dakota Legislature to enact legislation authorizing creation of regional airport authorities serving border cities.

WHEREAS, many cities along the border between North Dakota and South Dakota have a closely allied and interrelated market area and economy; and

WHEREAS, in many cases the area is served by an airport located in one state but serving both states; and

WHEREAS, funds for the operation of these airports are provided in large part by property tax levies within the applicable city limits for a local municipal airport authority; and

WHEREAS, a substantial part of the use of these border airports comes from residents of the other state who are thus not part of the property tax base helping to finance the airport; and

WHEREAS, opportunities for acquiring necessary revenue to meet the operating expenses of these border airports are limited when the property tax base is limited to the city in which the border airport is located; and

WHEREAS, if a regional airport authority were established, revenue to finance the operations of these border airports could be obtained from the entire area served by the airport, thus resulting in a higher overall quality of service provided at the airport;

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

That the Forty-ninth Legislative Assembly urges the South Dakota Legislature to enact legislation that would authorize participation in and operation of regional airport authorities serving both North Dakota and South Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor of South Dakota, the leaders of the South Dakota Legislature, and the director of the South Dakota Division of Aeronautics; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the governors of Minnesota and Montana, and the leaders of the Minnesota and Montana Legislatures.

Filed March 26, 1985

## CHAPTER 811

SENATE CONCURRENT RESOLUTION NO. 4009  
(Legislative Council)  
(Interim Political Subdivisions "A" Committee)

### REGIONAL AIRPORT AUTHORITIES SUPPORT — MONTANA

A concurrent resolution expressing support of the state of North Dakota for establishing regional airport authorities serving the areas along the border between North Dakota and Montana, and urging the Montana Legislature to enact legislation authorizing creation of regional airport authorities serving border cities.

WHEREAS, many cities along the border between North Dakota and Montana have a closely allied and interrelated market area and economy; and

WHEREAS, in many cases the area is served by an airport located in one state but serving both states; and

WHEREAS, funds for the operation of these airports are provided in large part by property tax levies within the applicable city limits for a local municipal airport authority; and

WHEREAS, a substantial part of the use of these border airports comes from residents of the other state who are thus not part of the property tax base helping to finance the airport; and

WHEREAS, opportunities for acquiring necessary revenue to meet the operating expenses of these border airports are limited when the property tax base is limited to the city in which the border airport is located; and

WHEREAS, if a regional airport authority were established, revenue to finance the operations of these border airports could be obtained from the entire area served by the airport, thus resulting in a higher overall quality of service provided at the airport;

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

That the Forty-ninth Legislative Assembly urges the Montana Legislature to enact legislation that would authorize participation in and operation of regional airport authorities serving across state lines; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor of Montana, the leaders of the Montana Legislature, and the administrator of the Montana Division of Aeronautics; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the governors of Minnesota and South Dakota and the leaders of the Minnesota and South Dakota Legislatures.

Filed March 26, 1985

## CHAPTER 812

SENATE CONCURRENT RESOLUTION NO. 4010  
(Legislative Council)  
(Interim Water Committee)

### GARRISON DIVERSION UNIT PRIORITY

A concurrent resolution designating the construction and completion of the federally authorized and funded Garrison Diversion Unit as having the first and highest priority for water development in North Dakota.

WHEREAS, North Dakota has provided 550,000 acres of valuable river bottom lands for the construction of Missouri River reservoirs under the federal Flood Control Act of 1944, causing an annual loss of one hundred thirty-one million dollars in economic gross product and an additional annual loss of forty-five million dollars in personal income; and

WHEREAS, North Dakota was assured by Congress in the Flood Control Act of 1944 that the loss of this valuable farmland would be offset by benefits from the Garrison Diversion Unit; and

WHEREAS, the Garrison Diversion Unit promises to enhance the agricultural productivity of the state, assure adequate and needed supplies of Missouri River water for urban and rural water systems, create recreational opportunities, and provide fish and wildlife enhancement; and

WHEREAS, North Dakota is presently receiving only one percent of the benefits promised by the federal government in return for its sacrifice of valuable farmland; and

WHEREAS, the construction of the Garrison Diversion Unit by the federal government has been delayed numerous times with the construction costs rising with each delay; and

WHEREAS, the Garrison Diversion Unit Commission was established by Public Law 98-360 "to review the contemporary water development needs of the State of North Dakota and propose modifications to the Garrison Diversion Unit consistent with the existing authorization"; and

WHEREAS, after three hearings in four months, the Commission submitted to the Secretary of the Interior a final report which

recommends, among other things, that the Sykeston Canal be built instead of Lonetree Reservoir, that Lonetree Reservoir remain an authorized feature of the Project but that construction be deferred "pending a determination of need by the Secretary [of Interior] and satisfactory conclusion of consultations with Canada", that Taayer Reservoir not be constructed, that 130,000 acres of land be irrigated in the Missouri River Basin, including 17,000 on Indian reservations in North Dakota, that water be released into the Sheyenne River through adequate treatment works for municipal and industrial water for cities along the Sheyenne and Red Rivers, that four hundred million dollars be spent for municipal and industrial pipeline systems in North Dakota, and that mitigation for project implementation losses be accomplished on an acre-for-acre basis, based on ecological equivalency; and

WHEREAS, the Garrison Diversion Unit Commission did not accept the policy statement (HCR 3012) adopted by the Legislative Assembly in special session on December 6, 1984; and

WHEREAS, the Commission did conclude that North Dakota deserved a federally funded water development project as a result of lands being lost to Pick-Sloan reservoirs; and

WHEREAS, the Commission recommendations would render extremely remote the ability of the Garrison Diversion Unit to deliver water to the Souris River and Devils Lake Basins, and additional water for future uses to the Sheyenne River and James River Basins; and

WHEREAS, the Commission recommendations would preclude any benefits from the Garrison Diversion Unit to the State of South Dakota; and

WHEREAS, the primary objective of North Dakota concerning the Garrison Diversion Unit is to divert Missouri River water eastward into the Sheyenne, Red, James, and Souris Rivers, and Devils Lake, to provide a long-term water supply for future generations for multiple uses, including irrigation, municipal, rural, industrial, recreation, wildlife, and other water uses;

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

That the construction and completion of the federally funded Garrison Diversion Unit has the first and highest priority for water development in the State of North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Assembly concurs with the final recommendation of the Garrison Diversion Unit Commission "that the Secretary of the Interior proceed immediately to construct those portions of the Commission Plan that are a part of the 1965 authorized Initial Phase", and urges Congress to

appropriate necessary funds for continued construction of such portions of the project for fiscal year 1986; and

BE IT FURTHER RESOLVED, that the Legislative Assembly urges the Secretary of the Interior to determine the economic feasibility and engineering soundness of the Sykeston Canal, and the capability of the Sykeston Canal to deliver water to the Souris River Basin, the Devils Lake Basin, and the State of South Dakota, and that such findings be presented to the Governor and North Dakota Congressional Delegation before any construction of the Sykeston Canal is initiated; and

BE IT FURTHER RESOLVED, that the Legislative Assembly also urges the Secretary of the Interior to enter into an agreement with North Dakota for wildlife management of lands acquired for the Lonetree Reservoir, in a manner that does not preclude future use of such lands as a reservoir; and

BE IT FURTHER RESOLVED, that the Legislative Assembly also urges the Secretary of the Interior and the State Department to resume immediately diplomatic consultations with Canada on all issues concerning the portions of the Garrison Diversion Unit within the Hudson Bay Basin; and

BE IT FURTHER RESOLVED, that the Legislative Assembly urges the Secretary of the Interior to redesignate the principal supply works and the James River Basin features of the Garrison Diversion Unit as the Dakota Unit, Pick-Sloan Missouri Basin Program; and

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

Filed April 9, 1985

## CHAPTER 813

SENATE CONCURRENT RESOLUTION NO. 4011  
(Olson)

## BURLEIGH COUNTY FAIRGROUND LAND GRANT

A concurrent resolution urging the Board of University and School Lands to grant title to or an easement in land located east of Bismarck for the purposes of a county fairground for Burleigh County.

WHEREAS, the Board of University and School Lands has the power to appraise, sell, rent, and dispose of land held by it, subject to Article IX of the Constitution of North Dakota and any law that may be passed by the Legislative Assembly; and

WHEREAS, the Board of University and School Lands holds in trust land located east of Bismarck, specifically the southwest quarter of section thirty-six, township one hundred thirty-nine north, range eighty west of the fifth principal meridian, Burleigh County, North Dakota; and

WHEREAS, this land is subject to utility easements and other restrictions limiting the use of the land; and

WHEREAS, this land is not being put to its most beneficial use as grazing land; and

WHEREAS, Burleigh County is in need of a tract of land for fairground purposes; and

WHEREAS, this land would be suitable for use as a fairground;

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

That the Forty-ninth Legislative Assembly urges the Board of University and School Lands to work with the Board of County Commissioners of Burleigh County to grant Burleigh County title to or an easement in 40 or more acres of the land described above for fairground purposes, within the limits of applicable constitutional constraints; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the Board of University and School Lands, the Commissioner of University and School Lands, and each member of the Board of County Commissioners of Burleigh County.

## CHAPTER 814

### SENATE CONCURRENT RESOLUTION NO. 4012 (Lashkowitz)

## ROGER MARIS BASEBALL HALL OF FAME INDUCTION URGED

A concurrent resolution commending Roger Maris on his major league baseball career and urging the Baseball Writers Association of America to elect Roger Maris to the Baseball Hall of Fame.

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

WHEREAS, Roger Maris was the recipient of the Theodore Roosevelt Rough Rider Award in 1963, which is the highest recognition the state of North Dakota can bestow upon present or former North Dakotans; and

WHEREAS, Roger Maris went from a career as an outstanding athlete in several competitive sports at Fargo Shanley High School to play professional baseball in Fargo and then on to play for four major league baseball teams in both major leagues in a distinguished 12-year major league career; and

WHEREAS, Roger Maris hit 275 career home runs and drove in 851 runs in major league regular season play and played a key role in the success of seven world series teams and three world champion teams, and is one of only five players to hit a world series home run for a team from each league; and

WHEREAS, Roger Maris captured the attention and imagination of America as few in the sports world have, when his outstanding season challenged baseball's most cherished record held by a larger-than-life American hero, the immortal and beloved Babe Ruth, and Roger Maris accomplished the unparalleled feat of hitting 61 home runs against 46 different pitchers during the 1961 season, a feat made more remarkable by the unceasing pressure exerted upon him by the press and public attention; and

WHEREAS, Roger Maris was a fleet outfielder, renowned equally for his skill with a glove as for his prowess as an outstanding hitter, and displayed remarkable abilities on defense for which he received a Gold Glove award; and

WHEREAS, Roger Maris was selected as the most valuable player in the American League in consecutive seasons, 1960 and 1961, and is one of only nine players in the history of major league baseball to be so honored; and

WHEREAS, Roger Maris has given unsparingly of himself to causes for the assistance of deprived, handicapped, and underprivileged children and adults and served with Shirley Temple Black as cochairman of the national campaign for the Multiple Sclerosis Society in 1962;

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

That the Forty-ninth Legislative Assembly takes great pleasure in extending its congratulations to Roger Maris for his outstanding accomplishments both in and out of major league baseball and respectfully urges the Baseball Writers Association of America to elect Roger Maris to the Baseball Hall of Fame as a well-deserved tribute to his outstanding major league career and his inspiration to youths through his exemplary conduct on and off the baseball diamond; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Roger Maris and his parents, to the president of the Baseball Writers Association of America, to the editor of the Sporting News, to the wire services, and to the sports editor of each radio and television station and daily newspaper in the state.

Filed March 6, 1985

## CHAPTER 815

### SENATE CONCURRENT RESOLUTION NO. 4013 (Ingstad)

## ENERGY SAVING CONSTRUCTION STUDY

A concurrent resolution directing the Legislative Council to study methods to encourage the use of modern energy saving construction techniques including use of super insulation and the feasibility and desirability of requiring use of such techniques in future construction.

WHEREAS, North Dakota's climate places a premium on the efficient use of nonrenewable resources for heating and cooling buildings; and

WHEREAS, energy from nonrenewable resources is wasted by inefficient construction techniques which minimize a building's ability to retain heat during cold seasons or repel heat during warm seasons; and

WHEREAS, modern construction techniques, including use of super insulation, allow buildings to make much more efficient use of energy for heating or cooling, thereby reducing waste of precious resources used to produce energy; and

WHEREAS, it is in the best interest of present and future generations of North Dakotans to make the most efficient use of nonrenewable resources;

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

That the Legislative Council is directed to study methods to encourage use of efficient building techniques, including use of super insulation, with particular emphasis on tax incentives to encourage use of efficient construction techniques, and to study the feasibility and desirability of requiring use of efficient construction techniques including super insulation on buildings in the future; 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 816

SENATE CONCURRENT RESOLUTION NO. 4015  
(Holmberg)

## VIKING ELEMENTARY SCHOOL CONGRATULATED

A concurrent resolution congratulating the Viking Elementary School Principal Wayne Peterson; the students, faculty, staff, and parents at Viking Elementary School; Grand Forks Public Schools Superintendent Dr. Mark Sanford; and the staff of the Center for Aerospace Sciences at the University of North Dakota for their outstanding performance and successful participation in the national Young Astronauts' Program.

WHEREAS, the national Young Astronauts' Program is designed to stimulate young Americans in grades one through nine using the excitement of the space program to improve their competency in math, science, and technology so they may actively participate in, contribute to, and profit from the society of the future; and

WHEREAS, Viking Elementary School at Grand Forks, North Dakota, was the first of nine schools in the entire country selected by the White House staff to be a pilot school using a math, science, and technology curriculum developed by the National Space Institute along with the National Aeronautics Space Administration; and

WHEREAS, ten Viking Elementary School students were personally congratulated by United States President Ronald Reagan, and the entire student body and staff of Viking Elementary School will be recognized for their national achievement on January 10, 1985, by Astronauts Col. "Buzz" Aldrin and Dr. Anna Fisher; and

WHEREAS, the Center for Aerospace Sciences at the University of North Dakota is the sponsor of the Viking Elementary School Young Astronauts' Chapter;

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

That the Forty-ninth Legislative Assembly of the State of North Dakota extends its very sincere congratulations to the Viking Elementary School Principal Wayne Peterson; the students, faculty, staff, and parents at Viking Elementary School; the Grand Forks Public Schools Superintendent Dr. Mark Sanford; and the staff at the Center for Aerospace Sciences at the University of North Dakota for their outstanding performance and successful participation in the national Young Astronauts' Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the superintendent of Grand Forks Public Schools, the Viking Elementary School principal, and the director of the Center for Aerospace Sciences at the University of North Dakota.

Filed January 10, 1985

## CHAPTER 817

SENATE CONCURRENT RESOLUTION NO. 4016  
(Senators Nething, Heigaard)  
(Representatives Strinden, Mertens, R. Hausauer)

## ATTENDANCE AT PRESIDENTIAL INAUGURATION

A concurrent resolution authorizing the Speaker of the House and the majority and minority Senate and House leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

WHEREAS, the inauguration of Ronald Reagan as the President of the United States will be on January 20; and

WHEREAS, the presidential inauguration symbolizes democracy in action and freedom in the selection of our nation's leaders; and

WHEREAS, harmonious relationships between the three coequal branches of government on the state and federal levels are vital to the success of our democratic society; and

WHEREAS, important decisions that may greatly alter the future course of events in North Dakota will be made by the President and the executive branch in the next four years; and

WHEREAS, the spirit of goodwill and cooperation between the various branches of state and federal government can be demonstrated by legislative representation at the presidential inauguration during this important period in North Dakota history;

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

That the Speaker of the House and the majority and minority leaders of the House and the Senate, or their designees, are authorized to attend the presidential inauguration in Washington, D.C., on January 20; and

BE IT FURTHER RESOLVED, that the Senate and the House excuse the absence of those members attending the inauguration and authorize the expenditure of such sums as are reasonably necessary from the legislative appropriation to cover their expenses incurred as a result of such attendance.

Filed January 17, 1985

## CHAPTER 818

SENATE CONCURRENT RESOLUTION NO. 4017  
(Senators Tallackson, Vosper, Wogsland)  
(Representatives Vander Vorst, Stofferahn)

### BUSINESS RECORDS REQUIREMENTS

A concurrent resolution urging Congress and the Internal Revenue Service to remove the restrictions of the Tax Reform Act of 1984 upon farmers and small businessmen which require adequate contemporaneous records to substantiate the business purpose of travel deductions.

WHEREAS, Congress passed the Tax Reform Act of 1984 [Pub. L. 98-369] which provides by amendment of 26 U.S.C. 274(d) that a taxpayer must substantiate by adequate contemporaneous records the amount, time, place, and business purpose of travel expenses to enable a taxpayer to validly claim and substantiate the business use deduction for the use of listed property; and

WHEREAS, failure to adequately substantiate business use of motor vehicles prevents taxpayers from using accelerated cost recovery system depreciation or investment tax credits for the property; and

WHEREAS, these new requirements place a heavy recordkeeping requirement on taxpayers, particularly burdensome to farmers and small businessmen who cannot afford to purchase motor vehicles to be used solely for business purposes and who must combine business and personal use; and

WHEREAS, farmers and small businessmen are required by the new regulations to record every use of a motor vehicle to substantiate business use which may take more time to record than the time spent in the actual use of a motor vehicle, and the recordkeeping requirements unduly interfere with the daily activity of such persons;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States and the Internal Revenue Service to remove the restrictions placed upon farmers and small businessmen by imposition of the adequate contemporaneous records requirement contained in 26 U.S.C. 274(d); and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the commissioner of the Internal Revenue Service; the chairmen of the House Committee on Ways and Means, the Senate Committee on Finance, the joint House and Senate Committee on Taxation; and each member of the North Dakota Congressional Delegation.

Filed March 26, 1985

## CHAPTER 819

SENATE CONCURRENT RESOLUTION NO. 4019  
(Senators Nething, Heigaard)  
(Representatives Strinden, Mertens)

### LEGISLATIVE FITNESS DAY

A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the fourth day of March, 1985, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

WHEREAS, the health and future welfare of the citizens of this state are inextricably entwined; and

WHEREAS, it is each individual's own responsibility to contribute to that person's own health and physical welfare; and

WHEREAS, to heighten our awareness of the importance of physical fitness the North Dakota Association for Health, Physical Education, Recreation and Dance has volunteered to perform a variety of health care screening and assessment services for members of the Legislative Assembly and their employees; and

WHEREAS, a day of physical fitness recognized as such by the Legislative Assembly will serve to promote the public's awareness of the importance of good health care practices;

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

That the fourth day of March, 1985, be designated as "Legislative Fitness Day"; and

BE IT FURTHER RESOLVED, that all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health care practices.

Filed March 21, 1985

## CHAPTER 820

### SENATE CONCURRENT RESOLUTION NO. 4024 (Krauter, Kelsch, Bakewell)

## FARM CRISIS SOLUTION EFFORTS

A concurrent resolution urging the President of the United States, the Secretary of Agriculture, and the members of the North Dakota Congressional Delegation to make a united effort to bring the farm credit crisis, the need for full agricultural parity, and the need for a balanced federal budget to the attention of elected officials.

WHEREAS, agriculture is the greatest producing industry in the country; and

WHEREAS, agriculture is the only industry operating under the free market system where the price received by producers is determined by nonproducers; and

WHEREAS, the prices received by agricultural producers do not provide the same purchasing power as in the past; and

WHEREAS, many agricultural producers are currently suffering due to a farm credit crisis; and

WHEREAS, many agricultural producers find it necessary to attempt to borrow money for operating expenses, and machinery and land purchases; and

WHEREAS, high interest rates severely impact the availability and desirability of agricultural loans; and

WHEREAS, decreasing land values have eroded the net worth of agricultural producers; and

WHEREAS, deficit governmental spending, high interest rates, and a poor farm economy adversely affect all segments of the economy; and

WHEREAS, Women Involved in Farm Economics (W.I.F.E.) has made a united effort to bring the farm credit crisis, the need for full agricultural parity, and the need for a balanced federal budget to the attention of elected officials;

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

That the Forty-ninth Legislative Assembly urges the President of the United States, the Secretary of Agriculture, and the members of the North Dakota Congressional Delegation to make a united effort in calling to the attention of elected officials the farm credit crisis, the need for full agricultural parity, and the need for a balanced federal budget; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the organization of Women Involved in Farm Economics (W.I.F.E.), the President of the United States, the Secretary of Agriculture, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 1985

## CHAPTER 821

SENATE CONCURRENT RESOLUTION NO. 4026  
(Senators Stromme, Thane)  
(Representative Kingsbury)

### SEVERANCE AND PROPERTY TAX STUDY

A concurrent resolution directing the Legislative Council to study the equity of the rate of and exemptions from the coal severance tax, the equity of the farm residence property tax exemption, and recent changes in classification and assessment of real property for purposes of ad valorem taxation and the effects of these changes upon mill levy limitations imposed by law on political subdivisions.

WHEREAS, the rate of the coal severance tax and existing and alternative exemptions from the coal severance tax should be studied with regard to the competitive position of the North Dakota coal industry and the industries which utilize North Dakota coal; and

WHEREAS, the 1981 Legislative Assembly provided for statutory classification of real property for property tax purposes; and

WHEREAS, the equity of the farm residence exemption should be reexamined in light of the difficulty of applying the exemption and recent changes in the assessment of agricultural property; and

WHEREAS, the statutory classification of real property drastically restructured property assessments in the state; and

WHEREAS, at the time of enactment of statutory classification of real property, it was not known what the resulting effects would be on the tax bases of political subdivisions which were limited by law to maximum mill levies; and

WHEREAS, it was necessary to ensure that tax bases did not fluctuate with drastic consequences across the state due to changed valuations, and 1981 legislation provided protection for taxing districts and taxpayers by providing that each taxing district could levy the same amount in dollars as that taxing district levied the prior year plus an additional percentage increase; and

WHEREAS, the protection for taxing districts and taxpayers provided by levy limitation in dollars was intended to be temporary and was continued by legislation passed by the 1983 Legislative

Assembly and may be continued by legislation pending before the 1985 Legislative Assembly; and

WHEREAS, detailed study is required to determine whether it is desirable to retain, revise, or eliminate mill levy limitations for political subdivisions;

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

That the Legislative Council study the equity of the rate of and exemptions from the coal severance tax; the changes in political subdivision tax bases due to recent changes in valuation, classification, and assessment of real property, with particular emphasis on the determination of an appropriate means of limiting political subdivision mill levies or on whether it is feasible to eliminate mill levy limitations; and the equity of the farm residence exemption from property taxes in light of the difficulty of applying the exemption and recent changes in the assessment of agricultural property; 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 822

SENATE CONCURRENT RESOLUTION NO. 4027  
(Senators J. Meyer, Matchie, Wenstrom)  
(Representatives Retzer, Hill, D. Olsen)

## LONG-TERM CARE INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

WHEREAS, life expectancy has increased; and

WHEREAS, the need for both home and institutional services increases with age; and

WHEREAS, the Medicaid Program is proposing to spend one hundred seven million five hundred thousand dollars in the coming biennium for long-term care services, which is an increasing public burden; and

WHEREAS, the Medicare Program is a limited resource; and

WHEREAS, the development of private insurance underwriting long-term care services would benefit consumers, providers, and government; and

WHEREAS, spouses are often denied insurance benefits;

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

That the Legislative Council study the availability, coverage, and provision of health care insurance plans that would include long-term insurance and that in the absence of reasonable coverage, that recommendations be given which would make available such coverage; and

BE IT FURTHER RESOLVED, that the insurance department, insurance industry, the long-term care industry, and senior citizens' groups assist the Legislative Council in the study; and

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

Filed March 27, 1985

## CHAPTER 823

## SENATE CONCURRENT RESOLUTION NO. 4029

(Senator Naaden)  
 (Representative Martinson)  
 (Employment Committees)

## LEGISLATIVE EMPLOYEES DESIGNATION AND COMPENSATION

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

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

That for and during the Forty-ninth Legislative Assembly the following named persons are employed and appointed as employees of the Senate and House and shall be paid the daily wages opposite their respective names in accordance with their positions as shown below:

## SENATE

Leo Leidholm, Secretary of the Senate	\$85.00
Doris McMahon, Desk Reporter	79.00
Olger Sandven, Sergeant-at-Arms	64.00
J. Vernon Asheim, Assistant Secretary of the Senate	70.00
Sandra Boehler, Bill Clerk	64.00
Erma Hauglie, Chief Stenographer & Payroll Clerk	64.00
Jan Burgad, Appropriations Committee Clerk	66.00
Nancy Hayes, Assistant Appropriations Committee Clerk	62.00
Carol Nitschke, Chief Committee Clerk	64.00
Pearl Berget, Committee Clerk	58.00
Jan Mumma, Committee Clerk	58.00
Alice Zako, Committee Clerk	58.00
Barb Klein, Committee Clerk	58.00
Naomi Faul, Committee Clerk	58.00
George Berg, Committee Clerk	58.00
Gloria Johner, Committee Clerk	58.00
Connie Koenig, Committee Clerk	58.00
Esther Beazley, Committee Clerk	58.00
Lori Oswald, Assistant Committee Clerk	55.00
Diane Larson, Chief Page & Bill Book Clerk	55.00
Kevin Cramer, Desk Page	48.00
Jacqueline Schmidt, Journal Page	48.00
Lois J. Scherr, Secretary to Majority Leader	70.00

Sharon Lang, Assistant to Secretary of Majority Leader	64.00
Dee Hanson, Secretary to Minority Leader	70.00
Sandi Kershaw, Assistant to Secretary of Minority Leader	64.00
David Larson, Deputy Sergeant-at-Arms	52.00
Jack Evans, Assistant Sergeant-at-Arms	48.00
Robert Muhs, Assistant Sergeant-at-Arms	48.00
Marshall Gooch, Assistant Sergeant-at-Arms	48.00
Gary Hendrickson, Assistant Sergeant-at-Arms	48.00
Eugene Grenz, Chief Bill & Journal Room Clerk	58.00
LeDores Robey, Bill Room Clerk	48.00
Melvena McLeish, Bill Room Clerk	48.00
Selma Carlson, Bill Room Clerk	48.00
Faye Caya, Bill Room Clerk	48.00
Fred Schulz, Journal Room Clerk	48.00
Nettie Monroe, Journal Room Clerk	48.00
Carrie Hanson, Stenographer	52.00
Sharon Neukircher, Stenographer	52.00
Sue Alexander, Stenographer	52.00
Marge Mosbrucker, Stenographer	52.00
Esther Davis, Information Desk Attendant	48.00
Pamela Davy, Telephone Page	48.00
Thelma Harvey, Telephone Attendant	48.00
Margo Undlin, Telephone Attendant	48.00
Renee Bullinger, Telephone Attendant	48.00
Jim Inman, Parking Lot Attendant	48.00
Kelly Kramer, Page	48.00
Steven Karel, Page	48.00
Reed Boelter, Page	48.00
Jeri Kurle, Page	48.00
Wanda Scheid, Page	48.00
Gary Emineth, Bill Book Clerk	48.00
Mark Wolf, Bill Book Clerk	48.00
Lucy Miller, Bill Book Clerk	48.00
Dick Lang, Janitor (partial pay only)	34.00
Lucas Giesinger, Janitor (partial pay only)	46.00
Kevin Erhardt, Janitor (partial pay only)	28.00

## HOUSE

Roy Gilbreath, Chief Clerk	\$85.00
Barbara Middaugh, Desk Reporter	79.00
David Hillesland, Sergeant-at-Arms	64.00
Skip Sjothun, Assistant Chief Clerk	70.00
Jeane Marschke, Bill Clerk	64.00
Sue Mollison, Chief Stenographer & Payroll Clerk	64.00
Judy Frink, Chief Committee Clerk	64.00
Betty Johnson, Appropriations Committee Clerk	66.00
Jamie Marler, Assistant Appropriations Committee Clerk	62.00
Joan Nelson, Assistant Appropriations Committee Clerk	62.00
Cindy Nelson, Assistant Appropriations Committee Clerk	62.00
Helen Soma, Committee Clerk	58.00
Beverly Diebert, Committee Clerk	58.00
Sonia Vculek, Committee Clerk	58.00
Kim Fricke, Committee Clerk	58.00

Connie Johnsen, Committee Clerk	58.00
Darlyne Clausnitzer, Committee Clerk	58.00
Cheryl Wescott, Committee Clerk	58.00
Peggy Larson, Committee Clerk	58.00
Judy Hoffman, Committee Clerk	58.00
Janice Stein, Committee Clerk	58.00
Maude Grambs, Assistant Committee Clerk	55.00
Tove Mandigo, Chief Page & Bill Book Clerk	55.00
Pam Wheeler, Journal Page	48.00
Barbara Larson, Desk Page	48.00
Leslie Randich, Desk Page	48.00
Lane Landenberger, Desk Page	48.00
Dottie Neils, Secretary to the Speaker	64.00
Mazie Patchen, Secretary to the Majority Leader	70.00
Brenda Blazer, Assistant to Secretary of Majority Leader	64.00
Jan Franklund, Secretary to Minority Leader	70.00
Lorrie Pavlicek-Allison, Assistant to Secretary of Minority Leader	64.00
Daniel O'Neil, Deputy Sergeant-at-Arms	52.00
Harold Unterscher, Assistant Sergeant-at-Arms	48.00
Edgar Beyers, Assistant Sergeant-at-Arms	48.00
Jeff Heider, Assistant Sergeant-at-Arms	48.00
Renae Doan, Assistant Sergeant-at-Arms	48.00
Bill Harter, Assistant Sergeant-at-Arms	48.00
Ed Leno, Assistant Sergeant-at-Arms	48.00
Mark Zimmerman, Assistant Sergeant-at-Arms	48.00
Peggy Ormseth, Information Desk Attendant	48.00
Eli Nemer, Bill Room Clerk	48.00
Fred Banker, Bill Room Clerk	48.00
John Scherf, Bill Room Clerk	48.00
Mary J. Vonasek, Bill Room Clerk	48.00
Neal Schlosser, Bill Room Clerk	48.00
Eugene Oster, Journal Room Clerk	48.00
David Hetland, Jr., Journal Room Clerk	48.00
Flo Feland, Chief Telephone Attendant	52.00
Judy Koch, Telephone Page	48.00
Marilyn Bekkerus, Telephone Attendant	48.00
Barb Gregor, Telephone Attendant	48.00
Shirley Borg, Telephone Attendant	48.00
Gene Larson, Parking Lot Attendant	48.00
Phyllis Johnson, Stenographer	52.00
Jeanne Karhoff, Stenographer	52.00
Donna LaFave, Stenographer	52.00
Bertha Palen, Stenographer	52.00
Vivian Johnson, Stenographer	52.00
Gloriann Fagerland, Typist	52.00
Mary Ziniel, Typist	52.00
Brian Neuhardt, Page and Bill Book Clerk	48.00
Cheri Running, Page and Bill Book Clerk	48.00
David Hougen, Page and Bill Book Clerk	48.00
Judy Koester, Page and Bill Book Clerk	48.00
Richard Stenberg, Page and Bill Book Clerk	48.00
Mary Boardman, Page and Bill Book Clerk	48.00
Theresa Steier, Page and Bill Book Clerk	48.00

Robert Hylden, Page and Bill Book Clerk	48.00
Tony Gross, Page and Bill Book Clerk	48.00
Adele Leingang, Page and Bill Book Clerk	48.00
Donna Thomas, Page and Bill Book Clerk	48.00
Sandi Hohbein, Page and Bill Book Clerk	48.00
Tonja Turitto, Page and Bill Book Clerk	48.00
Charlotte Lang, Page and Bill Book Clerk	48.00
Judy Tinjum, Page and Bill Book Clerk	48.00
Brooke Lilly, Page and Bill Book Clerk	48.00
Joe Emineth, Janitor (partial pay only)	38.00
Francis Scharosch, Janitor (partial pay only)	33.00
Eugene Reynolds, Janitor (partial pay only)	46.00
Elmer C. Schweigert, Janitor (partial pay only)	38.00

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

Filed February 5, 1985

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## CHAPTER 824

### SENATE CONCURRENT RESOLUTION NO. 4030 (Adams)

## BANK OF NORTH DAKOTA LOANS STUDY

A concurrent resolution directing the Legislative Council to study the Bank of North Dakota's loan programs.

WHEREAS, the Bank of North Dakota has written off in excess of five million dollars in uncollectible loans during calendar year 1984; and

WHEREAS, writing off uncollectible loans reduces the Bank of North Dakota's capital;

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

That the Legislative Council conduct a study of the Bank of North Dakota's loan programs, including loan policies, status of current loans, and loans written off since January 1, 1983; and

BE IT FURTHER RESOLVED, that the State Auditor's office and the Department of Banking and Financial Institutions and the State Industrial Commission assist the Legislative Council in its study; and

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

Filed March 26, 1985

## CHAPTER 825

SENATE CONCURRENT RESOLUTION NO. 4031  
(Senators Todd, Heigaard, Nething)  
(Representatives Strinden, Mertens)

### OUTSTATE SELLERS SALES AND USE TAX

A concurrent resolution urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

WHEREAS, companies selling across state lines and who maintain contact with customers solely by the mailing of catalogs and "flyers" and the delivery of goods by the mail or common carriers are commonly referred to as outstate sellers; and

WHEREAS, as a result of a May 8, 1967, United States Supreme Court decision, the state of North Dakota has not been able to enforce collection of sales or use taxes by outstate sellers who use only the mail or common carriers to send customers the ordered goods; and

WHEREAS, the state of North Dakota is therefore deprived of all sales or use tax collections and moneys that result from such transactions, estimated conservatively to be in the millions of dollars each year; and

WHEREAS, as a result of not having to collect sales or use taxes imposed by the state of North Dakota, those outstate sellers possess an unfair competitive price advantage over sellers who have retail outlets, solicitors, or property within North Dakota and who are currently collecting the state's sales or use taxes;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to amend the Interstate Commerce Act to allow individual states to require the collection of sales or use taxes by outstate sellers regardless of contact or delivery with customers; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of Commerce, the chairman of the Senate Committee on Commerce, Science and Transportation, the chairman of the House Committee on Energy and Commerce, and each member of the North Dakota Congressional Delegation.

## CHAPTER 826

SENATE CONCURRENT RESOLUTION NO. 4032  
(Senators Heinrich, Streibel)  
(Representatives L. Hanson, Schindler)

### CHEMICAL STORAGE STUDY

A concurrent resolution directing the Legislative Council to conduct a study of chemical manufacturing plants and storage facilities in the state near residential areas.

WHEREAS, the production and storage of chemicals is widespread throughout this country; and

WHEREAS, many of these chemicals are highly toxic, flammable, or exhibit other properties dangerous to human life and property; and

WHEREAS, many chemical manufacturing plants and storage facilities, if located near urban or residential areas in this state, may present significant public safety problems;

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

That the Legislative Council conduct a study of chemical manufacturing plants and storage facilities within this state to determine the extent of danger these facilities present for the public health and safety of citizens in this state, especially with regard to the public health and safety hazards which may exist because of chemical manufacturing plants and storage facilities located in or near residential areas and to determine methods to mitigate the dangers presented by the existence of these plants and storage facilities; and

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

Filed March 27, 1985

## CHAPTER 827

SENATE CONCURRENT RESOLUTION NO. 4034  
(Lips)

## INCURABLE DISEASE INSURANCE STUDY

A concurrent resolution directing the Legislative Council to study the life insurance needs of persons born with incurable diseases.

WHEREAS, due to advances in medical science, many persons who would have formerly died during childhood from the pernicious effects of incurable diseases now live normal adult lives; and

WHEREAS, despite their illness, these persons are capable of being productive members of society; and

WHEREAS, there is a potential for a pooled risks group program to provide life insurance to the citizens of North Dakota born with incurable diseases; and

WHEREAS, with proper legislative support, these persons and their families can lead full, happy, and productive lives and thereby avoid becoming burdensome to the rest of society;

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

That the Legislative Council is directed to study the life insurance needs of persons born with incurable diseases; 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 March 26, 1985

## CHAPTER 828

SENATE CONCURRENT RESOLUTION NO. 4035  
(Senators Kusler, Todd)  
(Representatives Gunsch, Keller)

## KNIFE RIVER INDIAN VILLAGE HISTORIC SITE

A concurrent resolution urging the Secretary of the Interior, the director of the National Park Service, and the regional director of the National Park Service to take all steps necessary to secure funding for the development of the Knife River Indian Villages National Historic Site.

WHEREAS, a significant amount of land was obtained from North Dakota farmers and ranchers to establish the Knife River Indian Villages National Historic Site; and

WHEREAS, much of the original plan for development and expansion of the Knife River Indian Villages National Historic Site has not been implemented; and

WHEREAS, portions of that plan, including a visitors' center complex, a reconstructed Indian village, an archaeological research project, and other historical and research facilities would preserve the historically significant artifacts unique to the Knife River Indian Villages National Historic Site, and make these important pieces of this state's heritage permanently available to the people of North Dakota as well as to visitors from outside the state; and

WHEREAS, the State Indian Affairs Commission and many other interested people and organizations have expressed their continuing support for full development of the Knife River Indian Villages National Historic Site according to the plan set forth over ten years ago;

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

That the Forty-ninth Legislative Assembly urges the Secretary of the Interior, the director of the National Park Service, and the regional director of the National Park Service to take all steps necessary in seeking a higher federal priority for Knife River Indian Villages National Historic Site funding; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Interior, the director of the National Park Service, the regional director of the National Park Service, and to each member of the North Dakota Congressional Delegation.

## CHAPTER 829

SENATE CONCURRENT RESOLUTION NO. 4036  
(Senator Kusler)  
(Representative Martinson)

## SHELTERBELT STUDY

A concurrent resolution directing the Legislative Council to study problems associated with, and to compile information regarding, the protection and rejuvenation of shelterbelts.

WHEREAS, shelterbelts have many benefits, including shelter for farmsteads and livestock, the protection of soil from erosion, the provision of habitat for wildlife, and the provision of moisture for small grain crops; and

WHEREAS, shelterbelts provide natural beauty and diversify the landscapes of North Dakota, which contain less than one percent forests; and

WHEREAS, existing shelterbelts are declining in number and effectiveness; and

WHEREAS, tree plantings have been on a decline due to the limited selection of hardy tree species capable of withstanding herbicides, harsh growing conditions, insects, diseases, and changes in farming operations; and

WHEREAS, the problems of maintenance and establishment of shelterbelts deter landowners from planting additional shelterbelts, and reduce the success of existing shelterbelts; and

WHEREAS, many of the problems associated with shelterbelts are common to other types of tree plantings, including urban forests, wildlife plantings, reclamation plantings, and reforestation plantings;

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

That the Legislative Council study problems associated with, and compile information on the planting and maintaining of new shelterbelts, and the protection and rejuvenation of existing shelterbelts; 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 830

SENATE CONCURRENT RESOLUTION NO. 4038  
(Senators Todd, Kusler)  
(Representatives Hill, Knudson)

### FINE ARTS EDUCATION

A concurrent resolution recognizing the importance of fine arts as part of basic school curricula and encouraging the inclusion of fine arts education in the schools' curricula.

WHEREAS, quality education in North Dakota has always been a priority concern for government and community leaders, as well as the general public; and

WHEREAS, the problems of our time and of future generations may be solved through a nurturing of the creative talents in our society; and

WHEREAS, it is essential that our nation, state, and local communities recognize that education in the fine arts is basic to human growth and development; and

WHEREAS, the performing and visual arts offer unsurpassed opportunities for self-expression, and exposure to the fine arts through education programs greatly increases the quality of a child's education and development; and

WHEREAS, the cultural experiences and opportunities provided by a community positively influence the quality of life enjoyed by its citizens and create an exchange of feelings and ideas that contribute greatly to personal growth and community spirit; and

WHEREAS, the College Board identified the fine arts, which include theater, visual arts, dance, creative writing, and music, as one of six "basic academic subjects" that students should master to be successful in college; and

WHEREAS, the arts and humanities are the building materials of civilization and their importance in the lives of every individual cannot be overestimated;

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

That it is the policy of the state of North Dakota to encourage citizen appreciation of and participation in the fine arts; and

BE IT FURTHER RESOLVED, that the state of North Dakota in its support of excellence in education urges that education in the fine arts be included in all school curricula; and

BE IT FURTHER RESOLVED, that every public school in the state is urged to strive to develop and implement a curriculum and programs designed to promote understanding of and life skills in the fine arts; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to the Superintendent of Public Instruction, the North Dakota Council of School Administrators, the North Dakota School Boards Association, and the North Dakota Education Association.

Filed March 26, 1985

## CHAPTER 831

### SENATE CONCURRENT RESOLUTION NO. 4039 (Senators Nelson, Naaden, Lips)

## FEDERAL TAX AND BUDGET CHANGES STUDY

A concurrent resolution directing the Legislative Council to monitor United States Congress and federal agency actions having a fiscal impact on the state of North Dakota.

WHEREAS, the federal deficit is in excess of \$200 billion per year; and

WHEREAS, the President of the United States is planning to reduce the deficit; and

WHEREAS, changes in the federal income tax are under consideration; and

WHEREAS, reductions in federal aid to state and local governments and changes in the federal income tax can have a significant impact on the state budget and the economy of the state of North Dakota;

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

That the Legislative Council's Budget Section monitor federal tax and budget changes affecting the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Budget Section determine whether legislation is necessary because of such changes; and

BE IT FURTHER RESOLVED, that the Budget Section report its findings and recommendations, together with any legislation required to implement the recommendations, to the Legislative Council for submission to the Fiftieth Legislative Assembly or a reconvened or special session should one be called.

Filed March 6, 1985

## CHAPTER 832

### SENATE CONCURRENT RESOLUTION NO. 4040 (Maixner, Olson)

## LAW ENFORCEMENT JURISDICTION STUDY

A concurrent resolution directing the Legislative Council to study existing state law enforcement agencies.

WHEREAS, under current law there are a number of state agencies involved in law enforcement activities; and

WHEREAS, some of those agencies, including the Bureau of Criminal Investigation, the State Fire Marshal, the Criminal Justice Training Division, and the Drug Enforcement Unit, are supervised by the Attorney General; and

WHEREAS, the State Highway Patrol, which now includes the Truck Regulatory Division, transferred from the Highway Department to the Highway Patrol in 1983, and the state radio system, is supervised by the Governor; and

WHEREAS, the State Toxicologist, the State Laboratories Department, and the State Crime Laboratory have forensic and investigative functions within the state law enforcement process and a state forensic investigation system is being proposed; and

WHEREAS, the various state law enforcement agencies possess different degrees of subject matter jurisdiction; and

WHEREAS, a single state law enforcement agency may be a more effective complement to local law enforcement agencies and may also provide a more efficient and effective use of state law enforcement appropriations and personnel;

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

That the Legislative Council study the jurisdictional limitations of existing state law enforcement agencies and the feasibility of combining any or all existing state law enforcement agencies into a single state law enforcement authority; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to involve state law enforcement officials, local law enforcement officials, and the public in the study; and

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

Filed March 27, 1985

## CHAPTER 833

SENATE CONCURRENT RESOLUTION NO. 4041  
(Senators Wogsland, Satrom, Maixner)  
(Representatives Laughlin, O'Connell, Brokaw)

### RAIL LINE ABANDONMENT APPROVAL AUTHORITY

A concurrent resolution urging the Congress of the United States to enact appropriate legislation to transfer to the states the power and authority to approve or disapprove rail line abandonments.

WHEREAS, the approval of rail line abandonments is presently under the authority and control of the Interstate Commerce Commission with little input from state government; and

WHEREAS, the question of approval of abandonment of portions of rail line, particularly when the line to be abandoned is located wholly within one state, may uniquely affect the citizens of a state with little impact on interstate commerce or the federal government; and

WHEREAS, rail lines have critical value to the farm economy and state regulation would provide for more localized assessment of the need for the rail line subject to an abandonment application;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States to enact legislation to transfer to the states the power and authority to approve or disapprove abandonment of rail lines in the respective states; 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 6, 1985

## CHAPTER 834

SENATE CONCURRENT RESOLUTION NO. 4042  
(Senators Lips, Reiten, Heigaard  
(Representatives Graba, A. Hausauer, Hoffner)

### STATE TAX WITHHOLDING FOR FEDERAL EMPLOYEES

A concurrent resolution urging Congress and the Secretary of the Treasury to provide for the withholding of state income tax from federal employees who elect to have state income tax withheld from their wages.

WHEREAS, Congress passed a law, 5 U.S.C. 5517, which provided for the Secretary of the Treasury to enter into agreements with a state to withhold state income tax from those federal employees who were subject to state income tax; and

WHEREAS, 5 U.S.C. 5517 restricts the Secretary of the Treasury from entering into an agreement with the state of North Dakota because North Dakota's income tax withholding law would impose a more burdensome requirement upon the United States than is imposed on other employers; and

WHEREAS, North Dakota's income tax withholding law requires an employer to withhold state income tax from only nonresident employees but permits an employer to withhold state income tax from any employee who voluntarily elects to have state income tax withheld from earnings; and

WHEREAS, no greater burden would be imposed upon the United States and other employers if employers, including the United States, would be permitted to withhold state income taxes from those employees who voluntarily elected to have state income tax withheld from wages;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States and the Secretary of the Treasury to provide for the withholding of state income tax by the United States from federal employees who voluntarily elect to have state income tax withheld from their wages; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the North Dakota Secretary of State to the United States Secretary of the Treasury, the chairmen of the House Committee on Ways and Means, the Senate Committee on Finance, the Joint House and Senate Committee on Taxation, and each member of the North Dakota Congressional Delegation.

## CHAPTER 835

### SENATE CONCURRENT RESOLUTION NO. 4044 (Wright)

## INDIAN RESERVATION AREA TAXING AUTHORITY

A concurrent resolution citing the existence of certain conditions of mutual concern confronting reservation and nonreservation residents of North Dakota, and urging the Congress of the United States to exercise responsibility and authority in resolving them.

WHEREAS, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other Acts of the United States government; and

WHEREAS, the federal government through Acts of Congress, has established itself as the sole authority governing local taxation within the boundaries of Indian reservations in the United States, and has tied the hands of states in dealing with local taxing problems and furnishing of governmental services in areas within or near the boundaries of Indian reservations; and

WHEREAS, reservation boundaries have been subject to change over the years since reservations were established, some lands within reservation boundaries are owned in trust and some in fee by Indian and non-Indian landowners, and non-Indian landowners were encouraged by the federal government to homestead lands which are now within reservation boundaries; and

WHEREAS, all of these factors have resulted in areas of taxable lands in and around reservations which have necessitated the furnishing of local governmental services and the subsequent creation of local taxing districts supported by levies of taxes upon lands in and around reservations; and

WHEREAS, the taxable status of lands within reservation boundaries is determined by ownership, which is subject to change, and which may cause removal of the land from local tax rolls by operation of federal law; and

WHEREAS, removal of such lands from local tax rolls operates a hardship on cities, counties, townships, and other taxing

districts, as well as on Indian and non-Indian landowners and residents in and around reservations who have come to rely on present levels of local governmental services and to require increased levels of future local governmental services; and

WHEREAS, since Congress has chosen to retain exclusive control of the ability to tax reservation lands, it is incumbent upon Congress to provide solutions to the dilemma of political subdivisions in and around reservations in the many states of the United States which contain Indian reservations;

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

That the Congress of the United States is urged to enact legislation to resolve the problem of shrinking tax bases of political subdivisions providing local governmental services in and around Indian reservations to assure continued availability of local governmental services and the existence of local political subdivisions, or, in the alternative, to establish a study commission, with appropriate representation from affected states and Indian reservations, to determine an appropriate solution to this problem; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of the Senate to the presiding officers of the United States House of Representatives and the United States Senate, the North Dakota Congressional Delegation, the Secretary of the Interior, and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

Filed March 29, 1985

## CHAPTER 836

SENATE CONCURRENT RESOLUTION NO. 4045  
(Senators Mushik, Satrom, Lips)  
(Representatives Martinson, Rydell, Ulmer)

## RESTORATION AT FORT LINCOLN

A concurrent resolution designating the restoration of the Custer Home and other buildings on the Cavalry Square in Fort Lincoln as a North Dakota Centennial Project.

WHEREAS, a significant part of the history of the state of North Dakota is made up of the activities and events that occurred in and around Fort Abraham Lincoln during the period of the Dakota Territory; and

WHEREAS, many of these activities and events were also significant to the history of the United States of America; and

WHEREAS, numerous other historical sites in the state of North Dakota and neighboring states related to Fort Abraham Lincoln are being preserved and developed as recreational areas and points of interest for tourists; and

WHEREAS, the preservation and restoration of the Custer Home and other buildings on the Cavalry Square in Fort Lincoln are of interest to many, and should be the responsibility of all the people of this state; and

WHEREAS, the preservation and restoration of this historical setting is of educational, recreational, and economic value; and

WHEREAS, the objectives of restoring and preserving the Custer Home and other buildings on the Cavalry Square in Fort Lincoln are to stimulate interest in the history of North Dakota, encourage tourism and many forms of recreation in this area, collect information relating to Fort Lincoln, and collect, use, and preserve artifacts for educational and historical purposes;

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

That the Forty-ninth Legislative Assembly designates the restoration of the Custer Home and other buildings on the Cavalry Square in Fort Abraham Lincoln as a North Dakota Centennial Project; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Governor and the North Dakota Centennial Commission.

## CHAPTER 837

### SENATE CONCURRENT RESOLUTION NO. 4046 (Stromme)

## LOBBYISTS STUDY

A concurrent resolution directing the Legislative Council to study the problems presented by lobbyists, representing special interest organizations, who refuse to divulge the membership or sources of financial support of the special interest organizations.

WHEREAS, under the laws of this state, lobbyists are required to identify the special interest groups the lobbyists represent, and provide other information to clarify the interests and parties on whose behalf the lobbyists are working; and

WHEREAS, many lobbyists and the special interest organizations they represent refuse to disclose the sources of financial support or the membership of the special interest organizations; and

WHEREAS, these special interest organizations thereby conceal from the Legislative Assembly, the Governor, and the public the true interests represented by the lobbyists; and

WHEREAS, it is essential to the making of informed, unbiased, and well-reasoned decisions on public issues that the Legislative Assembly, the Governor, and the public know all interests actually represented by lobbyists when those decisions are based in part upon information or advice provided by such lobbyists;

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

That the Legislative Council study the problems presented by lobbyists who represent special interest organizations without disclosing the membership or sources of financial support of those special interest organizations, and study possible solutions to these problems; 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 838

SENATE CONCURRENT RESOLUTION NO. 4047  
(Nothing)

## JOB DEVELOPMENT COMMISSION STUDY

A concurrent resolution directing the Legislative Council to establish a jobs development commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and to coordinate efforts to initiate and sustain new economic development and to spur the creation of new employment opportunities for the citizens of this state.

WHEREAS, promotion of the state's economy and expansion of employment opportunities for North Dakota citizens is necessary for the future prosperity of this state and should continue to be a priority on the legislative agenda; and

WHEREAS, the development of new or additional approaches to business, industrial, and technological promotion is necessary if the state of North Dakota is to share in the ever-increasing productive industrial and technological capacity and wealth of the nation; and

WHEREAS, it is highly desirable that all possible public and private efforts be directed in a coordinated and cooperative manner toward the many facets of business, industrial, and technological development, and that the Legislative Assembly also offer its full support and cooperation in such efforts; and

WHEREAS, state government is increasingly being asked by the federal government to assume more responsibility for its own destiny;

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

That the Legislative Council form a jobs development commission composed of legislators, officials from the executive branch of government, officials from higher education, and representatives of private industry to study methods and coordinate efforts to initiate and sustain new economic development in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to apply for, contract for, receive, and expend for its purposes, as provided in Section 54-35-06, any appropriations or grants from the state or its political subdivisions, the federal government, or any other public or private source; 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 839

SENATE CONCURRENT RESOLUTION NO. 4049  
(Senators W. Meyer, D. Meyer, David)  
(Representatives R. Anderson, Murphy)

### BRAD GJERMUNDSON CONGRATULATED

A concurrent resolution congratulating Brad Gjermundson on winning his third Professional Rodeo Cowboys' Association world saddle bronc championship in the sport of rodeo.

WHEREAS, the Legislative Assembly recognizes and honors North Dakota citizens for their national accomplishments; and

WHEREAS, Brad Gjermundson's career progressed from the North Dakota High School Team Roping Championship in 1975, to the North Dakota High School Rodeo Saddle Bronc Champion in 1976 and 1977, and North Dakota High School Rodeo "All Around Champion" in 1977; and

WHEREAS, Brad Gjermundson won the North Dakota Rodeo Association Saddle Bronc Championship in 1979, and while competing as a member of the Dickinson State College Rodeo Team won the National Intercollegiate Rodeo Association Saddle Bronc Championship in 1980; and

WHEREAS, Brad Gjermundson captured and thrilled rodeo fans worldwide by winning the Professional Rodeo Cowboys' Association Saddle Bronc Rookie of the Year Award in 1980; and

WHEREAS, Brad Gjermundson has always exemplified the life of a champion in his personal contribution to the handicapped that participate at the Exceptional Children's Rodeo in Oklahoma City, the Northern Plains Rodeo Bible Camp, as well as the Circle "C" Ranch Rodeo Bible Camp, to further the teaching of the christian way of life through the sport of rodeo; and

WHEREAS, Brad Gjermundson has set an example as a world champion for the young people in North Dakota and the nation, showing that personal goals, dedication, and recognition for the State of North Dakota are possible for all young people who give their utmost to their chosen professions; and

WHEREAS, Brad Gjermundson was so honored for the third time, 1981, 1983, and 1984, as Saddle Bronc Champion of the World through his own determination and talent; and

WHEREAS, his feats merit recognition by the State of North Dakota and its citizens;

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

That the Forty-ninth Legislative Assembly take great pride and pleasure in extending its heartiest congratulations to Brad Gjermundson for his superb accomplishments both in and out of the sport of rodeo; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Brad and Jackie Gjermundson; his parents, Stan and Sharon Gjermundson; the Professional Rodeo Cowboys' Association in Colorado Springs; and Bob Tallman of Great American Cowboy Network in Eugene, Oregon.

Filed February 28, 1985

## CHAPTER 840

SENATE CONCURRENT RESOLUTION NO. 4050  
(Wright, Adams, Kilander, Satrom, Dotzenrod)

### UNITARY TAXATION STUDY

A concurrent resolution directing the Legislative Council to study existing and alternative methods of unitary taxation.

WHEREAS, state governments have traditionally used formula apportionment to determine an individual state's share of the taxable income of a corporation that operates a business across state or national boundaries; and

WHEREAS, the states which utilize formula apportionment to divide taxable income of corporations operating unitary businesses across state or national boundaries utilize differing methods to determine what corporate income is subject to apportionment; and

WHEREAS, the matter of unitary taxation has become a matter of vital federal and state interest;

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

That the Legislative Council study the various approaches used or proposed to divide the taxable income of unitary corporations, with emphasis on the report of the Worldwide Unitary Taxation Working Group; 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 841

### SENATE CONCURRENT RESOLUTION NO. 4051 (D. Meyer, Kilander)

## FORT BERTHOLD RESERVATION STUDY

A concurrent resolution directing the Legislative Council, with the assistance of citizen advisers, to study issues of concern to the state and persons living within the boundaries of the Fort Berthold Reservation.

WHEREAS, jurisdictional issues affect the interests of the state and persons living within the boundaries of the Fort Berthold Reservation; and

WHEREAS, federal law may provide the basis for tribal and state agreement to resolve these jurisdictional concerns; and

WHEREAS, a study of these jurisdictional issues should be made to determine whether the potential and existing jurisdictional concerns could be resolved through legislative action as allowed under federal law;

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

That the Legislative Council study and make recommendations to the Legislative Assembly and provide its study results and recommendations to the Three Affiliated Tribes regarding the following issues:

1. The feasibility of state legislation under the authority of federal law to resolve jurisdictional issues regarding tribal and state government;
2. State and tribal law and practice regarding the recognition of state and tribal court judgments, especially those affecting the rights of individuals, and whether the rights established by state and tribal court judgments are protected under state and tribal laws;
3. The operation and administration of state tax laws on the Fort Berthold Reservation;

4. The impact on taxing districts of the presence of tax-exempt lands owned by the tribal government and members within the exterior boundaries of the Fort Berthold Reservation and methods to replace funds lost to political subdivisions by the exemption of those lands; and

BE IT FURTHER RESOLVED, that the committee conducting the study hold at least one of its meetings at a convenient site on the Fort Berthold Reservation to allow testimony of local residents regarding the committee's study; and

BE IT FURTHER RESOLVED, that the Legislative Council call upon citizen advisers to serve as members of the study committee and that the citizen membership of the committee include two representatives of affected political subdivisions and two representatives of the Three Affiliated Tribes; 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 5, 1985

## CHAPTER 842

SENATE CONCURRENT RESOLUTION NO. 4052  
(Senators Olson, Peterson, Freborg)  
(Representatives Conmy, Schindler)

### COMPULSORY SCHOOL ATTENDANCE STUDY

A concurrent resolution directing the Legislative Council to determine whether the state compulsory school attendance law should be revised to accommodate alternative methods of student instruction.

WHEREAS, the education of this state's elementary and secondary school students is of the utmost importance and concern to all North Dakota citizens; and

WHEREAS, there has been an increasing number of reported cases where students are being educated in nonapproved schools by persons who are not certificated teachers under North Dakota law; and

WHEREAS, a number of states have provided by law for alternative methods of instructing students in parochial schools or home schools which may not be permitted under current North Dakota law; and

WHEREAS, the personal rights of freedom for all parents, the rights of students, and the interests of the state should all be carefully considered in regard to the issue of how compulsory school attendance laws are written and enforced;

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

That the Legislative Council determine whether the state compulsory school attendance laws should be revised to accommodate alternative methods of student instruction; 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 843

### SENATE CONCURRENT RESOLUTION NO. 4053 (Maixner, Freborg)

#### SMALL POWER PRODUCER STUDY

A concurrent resolution directing the Legislative Council to study sales and purchases of power produced by producers of small amounts of power.

WHEREAS, North Dakota is blessed with ample renewable energy resources, especially in the form of the winds common to the state; and

WHEREAS, high wind speeds frequently occur during periods of peak electrical demand; and

WHEREAS, the costs of generating or purchasing power during peak demand periods is incrementally more expensive than power generated or purchased during baseload periods; and

WHEREAS, the federal Public Utility Regulatory Policies Act of 1978 [Public Law 95-617] calls for utilities to pay small power producers the cost which the utility would incur for generating or purchasing that power, if not for the small producer; and

WHEREAS, small power producers are now only paid a flat rate for power fed into the lines regardless of when the power was supplied to the utility;

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

That the Legislative Council study the sales, purchases, and rates paid to producers of small amounts of power, with emphasis on power supplied during periods of peak electrical demand; and

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

Filed March 26, 1985

## CHAPTER 844

### SENATE CONCURRENT RESOLUTION NO. 4054 (Satrom)

## STATE HIGHWAY-MOTOR VEHICLE ADMINISTRATION STUDY

A concurrent resolution directing the Legislative Council to study the regulatory and enforcement authority of the State Highway Department, the Highway Patrol, and the Motor Vehicle Department.

WHEREAS, the regulation of motor vehicles and highways, and the enforcement of statutory provisions relating to motor vehicles and highways, is vested in various state agencies, including the State Highway Department, the Highway Patrol, and the Motor Vehicle Department; and

WHEREAS, the State Highway Department has authority to issue operators' licenses, provides regulations for vehicle height, width, and weight, and otherwise regulates traffic upon the state's highways; and

WHEREAS, the State Highway Department has established 66 regional driver testing and photo sites to issue operators' licenses; and

WHEREAS, the Highway Patrol enforces laws relating to the operation of vehicles on the state highways, and is vested with specific authority under Section 39-03-09 to enforce other state laws; and

WHEREAS, the Motor Vehicle Department issues motor vehicle license plates and registers motor vehicle titles; and

WHEREAS, the Motor Vehicle Department has established 13 branch offices to provide onsite motor vehicle licensing and to receive registration information and fees; and

WHEREAS, these duties of these three agencies should be reviewed to determine whether they are clearly delineated or subject to overlap; and

WHEREAS, consolidation of these regional or branch offices may facilitate administration and reduce expenses;

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

That the Legislative Council study the regulatory authority of the State Highway Department, the Highway Patrol, and the Motor Vehicle Department over the state's highway system, motor vehicle licensing and registration, operators' licenses issuance, the enforcement of state statutory provisions regarding highways, and the establishment of regional or branch offices; and

BE IT FURTHER RESOLVED, that the study include the desirability of combining or further delineating the duties of the State Highway Department, the Highway Patrol, and the Motor Vehicle Department; 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 845

SENATE CONCURRENT RESOLUTION NO. 4055  
(Senator Mutch)  
(Representatives Wald, Melby)

### TRUCKING LAWS STUDY

A concurrent resolution directing the Legislative Council to study motor carrier laws and regulations as they relate to the trucking industry.

WHEREAS, the promotion of a sound, safe, and competitive privately owned motor carrier transportation system is desirable for the benefit of the public; and

WHEREAS, such a competitive system requires the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices; and

WHEREAS, significant changes have occurred in federal law and regulations concerning motor carriers and the transportation industry in general which have had significant economic impact on the trucking industry; and

WHEREAS, economic pressures brought on by these regulatory changes may adversely affect the safety, reliability, and availability of services provided by the trucking industry; and

WHEREAS, lack of uniformity in state laws and regulations concerning trucking can add additional unwarranted burdens to interstate trucking; and

WHEREAS, certain portions of the trucking industry may be suffering a disproportionate amount of adverse effects because of the changes in trucking regulations; and

WHEREAS, the trucking industry is regulated by the state on many different items including rates, safety, routes, competitive practices, consumer relationships, and entry into and exit from the industry;

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

That the Legislative Council study the effects which existing federal and state laws and regulations are having on trucking in North Dakota, including effects in the areas of safety, efficiency, reliability, availability, adequacy of service, rate of return, lack of regulatory uniformity, adverse and beneficial competition, and other related areas of impact; 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 846

### SENATE CONCURRENT RESOLUTION NO. 4056 (Christensen, Holmberg, Heinrich, Peterson, Lashkowitz)

## CHILD ABUSE PROSECUTION STUDY

A concurrent resolution directing the Legislative Council to study the investigation and prosecution procedures for child abuse and neglect cases and to determine whether state law protects the interests of justice and of all parties involved in such cases.

WHEREAS, child abuse and neglect appears to be a growing problem, with 2,715 cases reported in North Dakota during the year ending July 1, 1984; and

WHEREAS, it is imperative that action be taken to protect children who are being abused or neglected; and

WHEREAS, it is also a great concern that parents, relatives, and child care providers not be falsely accused of offenses regarding the abuse or neglect of children; and

WHEREAS, persons charged with a crime have the right to face and question their accusers; and

WHEREAS, children may be harmed by excessive questioning and cross-examination in court; and

WHEREAS, the National Center of Missing and Exploited Children has issued a guide for state legislators urging revision of state child abuse laws, suggesting new reporting statutes for child abuse cases, extending statutes of limitation in child abuse cases, providing for out of court testimony by children, and eliminating corroboration rules for testimony;

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

That the Legislative Council study the reporting, investigation, and prosecution procedures of child abuse and neglect cases and to determine whether state law protects the interests of justice and of all parties involved in such cases; 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 April 5, 1985

## CHAPTER 847

### SENATE CONCURRENT RESOLUTION NO. 4058 (Vosper)

## GAMES OF CHANCE STUDY

A concurrent resolution directing the Legislative Council to study the feasibility of allowing the conducting of various games of chance, on an infrequent basis, by small charitable organizations, and to study the licensing process applicable to such events.

WHEREAS, in the past many small clubs and nonprofit organizations conducted fundraisers known as "stags" and by other names, in which participants played various games of chance, such as raffles, roulette, card games, and wheels; and

WHEREAS, from these events the clubs and organizations obtained money with which to fund worthy projects in many small communities, often in situations where no other source of these funds was available; and

WHEREAS, in many small communities and for many small charitable organizations it is not feasible to operate a continuing operation of games allowed under the present charitable gambling law;

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

That the Legislative Council study the issue of whether charitable organizations should be allowed to hold a small number of events each year at which many different games of chance can be conducted, and for which the licensing process is not cumbersome; 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 848

SENATE CONCURRENT RESOLUTION NO. 4060  
(Lashkowitz, Christensen, Stenehjem, Redlin, Olson)

### CIVIL DISPUTE RESOLUTION STUDY

A concurrent resolution directing the Legislative Council to study alternatives to the present court system for solving civil disputes.

WHEREAS, use of the present court system is a costly and time-consuming method of resolving civil disputes; and

WHEREAS, the adversary method of resolving civil disputes can be traumatizing to all parties involved; and

WHEREAS, arbitration and other nonjudicial procedures may resolve disputes in a more humane and affordable manner;

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

That the Legislative Council is directed to study the adequacy and efficiency of the present court system in solving civil disputes and to determine the desirability of implementing alternative methods of dispute resolution such as the use of arbitration as a substitute for, or as a prerequisite to, 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 28, 1985

## CHAPTER 849

### SENATE CONCURRENT RESOLUTION NO. 4061 (Lashkowitz, Mutch, Kilander)

## DRIVERS LICENSE STUDY

A concurrent resolution directing the Legislative Council to study state laws relating to the issuance, suspension, and revocation of drivers' licenses with specific emphasis on the efficient administration of those laws, the use of uniform terms in the relevant statutes, and the adequacy of drivers' education programs.

WHEREAS, various state agencies, including the State Highway Department, Highway Patrol, and Motor Vehicle Department, are involved in the administration of state laws regarding the issuance, suspension, and revocation of drivers' licenses; and

WHEREAS, state laws providing for the licensing of motor vehicle operators have become increasingly complex and, in some cases, ambiguous or in conflict; and

WHEREAS, it is desirable that all laws relating to the issuance, suspension, and revocation of drivers' licenses be coordinated and, to the extent possible, that uniform terms be used in those laws; and

WHEREAS, it is imperative that the citizens of this state be educated regarding the drivers' licensing laws which apply to them;

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

That the Legislative Council study state laws relating to the issuance, suspension, and revocation of drivers' licenses with specific emphasis on the efficient administration of those laws, the use of uniform terms in the relevant statutes, and the adequacy of drivers' education programs; and

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

Filed March 27, 1985

## CHAPTER 850

### SENATE CONCURRENT RESOLUTION NO. 4062 (Satrom, Holmberg, Kilander, Matchie)

## AIRPORT FINANCE STUDY

A concurrent resolution directing the Legislative Council to study the financial basis under which airports in this state and elsewhere operate, including the manner and degree in which scheduled air carriers are the source of the cost of airports, and the extent to which scheduled airlines should help bear these costs.

WHEREAS, the North Dakota Legislative Assembly is concerned about the quality of scheduled airline service to various North Dakota communities; and

WHEREAS, the Legislative Assembly has on several occasions conducted interim studies of issues relating to airports, but these studies have not resolved the problems of financial support for airports that have scheduled airline service; and

WHEREAS, the previous studies of airport financial needs have not resulted in the establishment of a continuing method through which these airports can be financed; and

WHEREAS, the Legislative Assembly has become aware of the need to replace revenue that has been lost to the airports under federal law and court decisions disallowing state property taxation of airline property; and

WHEREAS, disparity exists between what airport operators recite as their financial predicament in dealing with scheduled airlines and what airlines serving the state indicate as their willingness to participate in paying the costs of operating airports; and

WHEREAS, establishing a sound financial basis for our larger airports is of critical importance as this state seeks to retain and enhance air service as an integral part of its transportation system and economic well-being;

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

That the Legislative Council is directed to study the financial basis under which airports in this state operate, including an analysis of the manner and degree in which scheduled airlines participate in these costs and an analysis of the potential methods through which the state or political subdivisions might tax airlines or others in order to pay costs in operating airports that have scheduled airline service; 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 851

SENATE CONCURRENT RESOLUTION NO. 4064  
(Senators Dotzenrod, Kelsh)  
(Representatives Lloyd, Stofferahn)

### POLITICAL SUBDIVISIONS IMMUNITY STUDY

A concurrent resolution directing the Legislative Council to study governmental immunity for political subdivisions, the desirability of enacting a tort claims act, liability insurance for political subdivisions, and the desirability of enacting a state insurance program to provide coverage for political subdivisions.

WHEREAS, North Dakota Century Code Chapter 32-12.1 provides limited governmental immunity for political subdivisions, including counties, cities, and townships, for acts of negligence or employee omission resulting in civil liabilities; and

WHEREAS, other states have adopted tort claims acts, which limit or eliminate the liability of political subdivisions for certain specified acts, and provide liability for other specified acts within certain recovery limits; and

WHEREAS, other states have enacted state insurance programs to provide insurance for state entities and political subdivisions; and

WHEREAS, many political subdivisions purchase insurance to protect against the risk of liability for civil claims arising from negligent actions as set forth in North Dakota Century Code Chapter 32-12.1; and

WHEREAS, these political subdivisions have found it increasingly difficult to obtain the insurance coverage necessary to protect against these types of risks; and

WHEREAS, the cost of liability insurance coverage for political subdivisions has increased sharply and has become a significant financial burden to political subdivisions;

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

That the Legislative Council study governmental immunity for political subdivisions, and the desirability of enacting a tort claims act which specifies the claims for which a political subdivision would be liable; and

BE IT FURTHER RESOLVED, that the study include the desirability of enacting a state insurance program to provide coverage for political subdivisions, the availability and cost of liability insurance for political subdivisions, and alternatives to present liability limits or means of insuring against liability risks which might result in less expensive liability insurance for political subdivisions; and

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

Filed March 26, 1985

## CHAPTER 852

SENATE CONCURRENT RESOLUTION NO. 4065  
(Parker)

## COMPARATIVE NEGLIGENCE STUDY

A concurrent resolution directing the Legislative Council to study the comparative negligence laws and their interaction with the products liability, strict liability, and workmen's compensation laws in light of recent North Dakota Supreme Court decisions.

WHEREAS, North Dakota Century Code Section 9-10-07 provides that contributory negligence does not bar recovery in an action by a person to recover damages for negligence if such contributory negligence was not as great as the negligence of the person against whom recovery is sought, but any damages awarded must be reduced in proportion to the percentage of negligence attributable to the person who is seeking recovery; and

WHEREAS, the decisions of the North Dakota Supreme Court in Mauch v. Manufacturers Sales and Service, Inc., 345 N.W.2d 338 (N.D. 1984), and Day v. General Motors Corp., 345 N.W.2d 349 (N.D. 1984) noted that the comparative negligence statute (Section 9-10-07) does not make specific reference to whether the comparative negligence law is applicable to products liability or strict liability actions or any actions other than actions "to recover damages for negligence"; and that products liability was adopted in North Dakota by the courts after the comparative negligence statute had been enacted by the Legislative Assembly; and

WHEREAS, the North Dakota Supreme Court in Mauch and Day said the comparison of causations under a products liability claim should be on a pure comparative-causation basis, unlike Section 9-10-07, which uses a modified comparative negligence scheme; and

WHEREAS, the North Dakota Supreme Court said that until the Legislative Assembly enacts a law covering the subject the courts would apply the doctrine that "contributing causal negligence or fault shall not bar a recovery in products liability or strict liability actions, but the damages shall be diminished in proportion to the amount of plaintiff's causal negligence or fault."; and

WHEREAS, Section 65-05-06 provides the payment of compensation or other benefits by the Workmen's Compensation Bureau to an injured employee is "in lieu of any and all rights of action whatsoever against the employer" of the injured employee; and

WHEREAS, Section 65-01-09 provides that the workmen's compensation fund is subrogated to the rights of the injured employee or his dependents to the extent of 50 percent of the damages recovered up to a maximum of the total amount the fund has paid or would otherwise pay in the future in compensation and benefits for the injured employee, regardless of the proportionate shares of fault of the parties involved; and

WHEREAS, the North Dakota Supreme Court, in Layman v. Braunschweigische Maschinenbauanstalt, 343 N.W.2d 334 (N.D. 1983), said a third party against whom an action has been brought by an injured employee has no statutory right to contribution from a negligent employer immune from suit by operation of the exclusive remedy provisions of the workmen's compensation statutes, and that any changes in the Comparative Negligence Act or the exclusive remedy provisions and subrogation provisions of the workmen's compensation statutes are matters best left to the Legislative Assembly; and

WHEREAS, the Forty-ninth Legislative Assembly considered, but did not, pass Senate Bill No. 2397 that would have amended Sections 9-10-07 and 65-01-09 in response to the Supreme Court decisions discussed above;

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

That the Legislative Council study the interaction of the laws concerning comparative negligence, products liability, strict liability, and the exclusive remedy and subrogation provisions of the workmen's compensation statutes, and study the appropriateness of extending application of the Comparative Negligence Act to strict liability, products liability, and workmen's compensation actions; 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 853

### SENATE CONCURRENT RESOLUTION NO. 4066 (Holmberg, Tennesos, Christensen)

## CHARITABLE GAMBLING STUDY

A concurrent resolution directing the Legislative Council to study the status and impact of charitable gambling in this state.

WHEREAS, the issue of charitable gambling has been a sensitive one in this state ever since the introduction of legalized charitable gambling; and

WHEREAS, there has been a significant expansion in the types of activity permitted since the passage of the constitutional amendment authorizing charitable gambling, a notable example being the introduction of the game of twenty-one; and

WHEREAS, charitable gambling in this state has resulted in significant revenues being made available to the state and to local governments, as well as significant donations being made to worthy charitable purposes; and

WHEREAS, the Legislative Assembly deems it desirable that the maximum benefit from charitable gambling accrue to the legitimate charitable needs arising in this state, and that charitable gambling be conducted in this state free from any influence of organized crime or other unsavory elements of society; and

WHEREAS, policing charitable gambling activities, enforcing charitable gambling laws, and other exercise of control over charitable gambling, is difficult, complex, and expensive; and

WHEREAS, proposals have been made to establish a state charitable gambling commission, and the attorney general's office, in its proposal to delete funding for charitable gambling enforcement from its proposed budget for the 1985-87 biennium, has indicated its difficulty in enforcing charitable gambling laws and a desire that this enforcement be the function of an independent agency;

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

That the Legislative Council study charitable gambling in this state, and that the study give particular attention to the issues of the direction charitable gambling should take in the future, the feasibility of the establishment of an independent commission to regulate charitable gambling, the difficulties attendant upon enforcement of charitable gambling laws, the intertwining of involvement between local government and state government, the level of gaming tax assessed by the state and its purpose, the extent to which charitable gaming proceeds are returned to the state or the communities in which they are generated, and whether the Constitution should be further amended to limit or expand permitted charitable gambling activities; and

BE IT FURTHER RESOLVED, that the Legislative Council seek the input of private citizens in this state, both proponents and opponents of gaming expansion, who have expertise and knowledge of the many facets of charitable gaming, and report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fiftieth Legislative Assembly.

Filed April 5, 1985

## CHAPTER 854

SENATE CONCURRENT RESOLUTION NO. 4067  
(Senators Wenstrom, Bakewell)  
(Representatives Rice, Hughes, Opedahl)  
(Approved by Committee on Delayed Bills)

### FORT UNION RESTORATION

A concurrent resolution urging the Congress of the United States to appropriate funds for the restoration of the Fort Union fur trading post on the North Dakota-Montana border.

WHEREAS, in 1978 the Congress of the United States passed legislation authorizing the restoration of Fort Union, an American Fur Company trading post on the North Dakota-Montana border; and

WHEREAS, United States Senators Mark Andrews and Quentin Burdick, as members of the Senate Interior Appropriations Subcommittee, along with United States Senators Max Baucus and John Melcher and United States Representatives Byron Dorgan and Ron Marlenee, all support legislation authorizing funds to be included in the 1986 fiscal year appropriations bill for the restoration of Fort Union; and

WHEREAS, the original legislation designating the Fort Union fur trading post as a National Historic Site was passed by the United States Congress in 1966; and

WHEREAS, the intent of the legislation was the reconstruction of Fort Union, but only partial archaeological work has been accomplished; and

WHEREAS, Fort Union's presence beginning in 1828 near the junction of the Missouri and Yellowstone Rivers guaranteed the 49th parallel as the northern boundary of the United States; and

WHEREAS, the Missouri River served as the Oregon Trail of the North with the first steamboat on the Upper Missouri River arriving at Fort Union in June 1832; and

WHEREAS, Fort Union was the finest and most imposing fur trading post in the West and is the only fur trading post in the West which can fully and correctly interpret the western American fur trade; and

WHEREAS, the existence of Fort Union opened the land drained by the Missouri and Yellowstone Rivers; and

WHEREAS, Fort Union became a mecca for internationally famous artists, explorers, scientists, and European royalty; and

WHEREAS, regional support for the project is overwhelming, as evidenced by a doubling in number of visitors to the historic site in the past two years;

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

That the Forty-ninth Legislative Assembly strongly urges the Congress of the United States to appropriate funds for the restoration of the Fort Union fur trading post; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the chairmen of the United States House and Senate Committees on Interior and Insular Affairs, the United States Secretary of the Interior, the director of the National Park Service, and to each member of the North Dakota and Montana Congressional Delegations.

Filed March 27, 1985

## CHAPTER 855

SENATE CONCURRENT RESOLUTION NO. 4068  
(Reiten, Redlin, Holmberg, Nething, Kilander)  
(Approved by the Committee on Delayed Bills)

### AMTRAK PASSENGER SERVICE

A concurrent resolution urging Congress to take appropriate steps to ensure continued and improved AMTRAK passenger service.

WHEREAS, AMTRAK, the corporation designated by Congress to provide a minimum basic national rail passenger service, provides essential passenger transportation services to North Dakota and the nation which may be lost if Congress approves elimination of federal subsidies for AMTRAK; and

WHEREAS, AMTRAK provides the only nationwide passenger rail service available and carries more than 20 million passengers per year; and

WHEREAS, AMTRAK has realized substantial improvements in its revenue-to-cost ratio in recent years, exceeding congressionally set goals; and

WHEREAS, subsidies for other transportation systems far exceed current subsidies provided AMTRAK; and

WHEREAS, AMTRAK provides jobs and other economic benefits, and shutting down the passenger service would result in extreme economic loss and waste;

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

That Congress is urged to take appropriate steps to ensure continued and improved AMTRAK service on those routes in operation within the current basic system; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the president of AMTRAK, the Secretary of the United States Department of Transportation, the Secretary of the United States Senate, the Chief Clerk of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 1985

## CHAPTER 856

SENATE CONCURRENT RESOLUTION NO. 4069  
(Senator Parker)  
(Representative Winkelman)  
(Approved by the Committee on Delayed Bills)

### OFFICIAL PHOTOGRAPHER

A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Dinger Photography offers to take five color proof photographs of each Senator, each Representative, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, the Senate Bill Clerk, the Chief Clerk of the House, the Assistant Chief Clerk of the House, the House Desk Reporter, the House Sergeant-at-Arms, and the House Bill Clerk, and to retouch the final prints to compile a composite color picture of all Senate members and named employees, the Lieutenant Governor, and all House members and named employees, framed and ready to hang, and individual composite photographs to be furnished to each member; all the foregoing at a total cost of \$2,395;

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

That Dinger Photography of Bismarck, North Dakota, be and is hereby appointed official photographer for the Forty-ninth Legislative Assembly of the state of North Dakota; and

BE IT FURTHER RESOLVED, that Dinger Photography of Bismarck, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the House of Representatives, the Lieutenant Governor, and the above-named legislative employees of the Forty-ninth Legislative Assembly, at the total cost of \$2,395 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered pursuant to a contract entered into between Dinger Photography and the photography committees of the Senate and House of Representatives.

Filed March 28, 1985

## CHAPTER 857

### SENATE CONCURRENT RESOLUTION NO. 4070

(Wenstrom)

(Approved by the Committee on Delayed Bills)

## SMALL RURAL HOSPITAL STUDY

A concurrent resolution directing the Legislative Council to study the problems faced by small rural hospitals in this state and possible alternative courses of action for the state and these hospitals to ensure the continued viability of the small rural hospital in North Dakota.

WHEREAS, delivery of health care in rural areas presents special challenges to both the health care consumer and the health care provider in the areas of access to health care, health care financing, recruitment and retention of health care personnel, modernization of facilities, and acquisition of costly high technology health care equipment; and

WHEREAS, especially in the rural communities, the elderly are becoming a greater percentage of the population, with many small, rural communities in the state having 30 percent or more of their population in the over 65 age group, which has greater health care needs; and

WHEREAS, agriculture has the second highest rate of death and disability of all occupations, thus requiring access to adequate local health care facilities; and

WHEREAS, North Dakota has a greater proportion of small or rural community hospitals than the national average; and

WHEREAS, one of the many adverse factors being faced by small rural hospitals is the changing nature of government involvement, including prospective reimbursement systems and other changes, designed from an urban perspective to deal with urban situations that may or may not coincide with the needs and values involved in providing health care in the rural areas; and

WHEREAS, many of this state's rural hospitals face closure in the near future if present conditions and trends are allowed to continue; and

WHEREAS, the closure of small rural hospitals not only has a direct impact on the local economy and on the access to health care, but also has an indirect effect through increased difficulty in attracting businesses as well as primary care physicians; and

WHEREAS, the closure of small rural hospitals increases travel costs to patients residing in the area and increases their costs of receiving health care at the major health care centers because the time and distance factors lead to longer hospital stays because of the difficulty in monitoring the patients' health after they return to isolated rural areas;

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

That the Legislative Council study the problems faced by small rural hospitals in this state, and possible alternative courses of action for these hospitals and the state to ensure the continued viability of small rural hospitals 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.

Filed April 1, 1985

## CHAPTER 858

SENATE CONCURRENT RESOLUTION NO. 4071  
(Nething, Nelson, Vosper)  
(Approved by the Committee on Delayed Bills)

## CCC LOAN COMMODITY ROTATION

A concurrent resolution urging the Congress of the United States, the Secretary of Agriculture, and the board of directors of the Commodity Credit Corporation to consider allowing rotation of commodities held as collateral on Commodity Credit Corporation loans at earlier dates.

WHEREAS, the Commodity Credit Corporation makes a substantial number of grain production loans in North Dakota, taking liens upon produced grain; and

WHEREAS, the Commodity Credit Corporation allows on-farm storage of commodities subject to liens; and

WHEREAS, reserve commodities which are subject to liens may be released to the producer 30 days prior to the date upon which the producer intends to have replacement commodities in place; and

WHEREAS, replacement commodities are normally generated through the harvest of grain; and

WHEREAS, reserve commodities could be released at a time earlier than 30 days prior to replacement, to allow producers to sell reserve commodities and use the proceeds generated from the sale of the commodities to finance that year's crop production; and

WHEREAS, earlier release of reserve commodities could aid in developing more orderly marketing of commodities; and

WHEREAS, rules and regulations could be adopted under the program to make it applicable to commodity producers who are in need of funds to cover operating expenses; and

WHEREAS, the risk experienced by the Commodity Credit Corporation under a program authorizing earlier release of reserve commodities could be reduced by requiring participants to acquire crop insurance on replacement commodities;

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

That the Forty-ninth Legislative Assembly urges the Congress of the United States, the Secretary of Agriculture, and the board of directors of the Commodity Credit Corporation to investigate the possibility of authorizing earlier rotation releases of commodities subject to Commodity Credit Corporation liens, at a time sufficiently early to allow producers, using the funds generated from the commodity sale, to finance that year's production; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the chairman of the Senate and House Committees on Agriculture, the Secretary of Agriculture, and the board of directors of the Commodity Credit Corporation, and each member of the North Dakota Congressional Delegation.

Filed April 5, 1985

## CHAPTER 859

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

### SBA CONTINUATION

A concurrent resolution urging the President and the Congress of the United States to support continuation of the Small Business Administration.

WHEREAS, the Small Business Administration has a proven record of service to small business in the state of North Dakota and throughout the United States; and

WHEREAS, the current Small Business Administration's North Dakota portfolio includes more than 2,200 North Dakota small businesses with loans totaling over \$150 million; and

WHEREAS, for many years the Small Business Administration has carried out disaster and loan assistance of tremendous value to North Dakota small businesses during difficult times; and

WHEREAS, 140 North Dakota banks are affiliated as correspondent banks with the Small Business Administration; and

WHEREAS, thousands of North Dakotans have utilized the Small Business Administration as a source of last resort for borrowed capital; and

WHEREAS, the Small Business Administration has been an important source of borrowed capital with proven success in helping North Dakota small business; and

WHEREAS, the administration proposes to eliminate the Small Business Administration entirely in fiscal year 1986 without an alternative program to assist small businesses;

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

That the Forty-ninth Legislative Assembly urges the President of the United States and the Congress of the United States to support continuation of the Small Business Administration; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate send enrolled copies of this resolution to the President of the United States, the presiding officers of the United States House of Representatives and United States Senate, and each member of the North Dakota Congressional Delegation.

Filed April 5, 1985

## CHAPTER 860

SENATE CONCURRENT RESOLUTION NO. 4074  
(Lips)  
(Approved by the Committee on Delayed Bills)

## YMCA MODEL LEGISLATURE SUPPORT

A concurrent resolution expressing the support of the Forty-ninth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

WHEREAS, the first YMCA State Youth and Government Program was initiated in New York in 1936, and since that time over 40 states have developed similar programs; and

WHEREAS, the purpose of the YMCA's model legislature program is to enhance development of the American democratic system by enabling young people to prepare for moral and political leadership through training in the theory and practice of determining public policy; and

WHEREAS, the YMCA model legislatures held following previous legislative sessions have been successful events allowing numerous young North Dakotans to gain a better understanding of the legislative process; and

WHEREAS, having such a program continue in this state can provide a major vehicle to help young people to really know about and become interested in government and the citizen's role in it; and

WHEREAS, among the goals for youth involvement in such a program are the development of confidence in and dedication to the democratic process, the gaining of communications skills, the learning of accountability and respect for other's rights, and the application of moral and ethical valuation processes to public policymaking;

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

That the Forty-ninth Legislative Assembly express its support for the YMCA model state legislature to be held on Friday and Saturday, April 19-20, 1985, and on dates yet to be selected in 1986, in the House and Senate chambers of the State Capitol in Bismarck; and

BE IT FURTHER RESOLVED, that those members of the Senate and House who are requested to participate in the program make every effort to arrange their schedules to be able to do so, and that the staff of the Legislative Council and the Director of Institutions' office render such reasonable assistance as may be necessary to make the program a success.

Filed April 1, 1985

## CHAPTER 861

SENATE CONCURRENT RESOLUTION NO. 4075  
(Wenstrom)  
(Approved by the Committee on Delayed Bills)

## INDIAN RESERVATION JURISDICTION STUDY

A concurrent resolution directing the Legislative Council to study the issue of state courts' jurisdiction over civil cases which arise within the exterior boundaries of Indian reservations and to urge a concurrent study by the Congress of the United States.

WHEREAS, loss of rights to Indians and non-Indians has occurred within the exterior boundaries of Indian reservations located in this state since statehood because of the lack of state civil jurisdiction within those boundaries; and

WHEREAS, the great hope of obtaining justice on the Indian reservations of this state reflected in the report of the Legislative Research Committee to the Thirty-eighth Legislative Assembly has not materialized through the procedure provided under Chapter 27-19 of the North Dakota Century Code; and

WHEREAS, 22 years have now elapsed since the adoption of Chapter 27-19 with no prospects in sight for ensuring justice in civil cases exceeding the present \$300 jurisdictional limit of tribal courts within the exterior boundaries of Indian reservations of this state; and

WHEREAS, the Congress of the United States has further complicated the matter of resolving Indian jurisdiction problems through the enactment of amendments to Public Law 280 in 1968 and by the enactment of the Indian's Civil Rights Act [Pub. L. 90-284, Sections 401, 402, 406, 82 Stat. 78-80; 25 U.S.C. Sections 1321, 1322, 1326]; and

WHEREAS, the Supreme Court of this state in the case Three Affiliated Tribes v. Wold Engineering, Civil No. 10,172, has analysed the problem of state courts' jurisdiction over Indian reservations and has urged the attention not only of the Legislative Assembly of the state of North Dakota, but also the Congress of the United States;

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

That the Legislative Council study the problem of civil jurisdiction within the exterior boundaries of the Indian reservations of this state; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to include on the committee assigned to study this matter a representative from each of the Indian reservations of this state and an equal number of representatives from the North Dakota Association of Counties; and

BE IT FURTHER RESOLVED, that the Legislative Council is encouraged to hold hearings on the respective Indian reservations and at appropriate county seats, and to meet with a like committee created by the Congress of the United States, if possible, and to meet and confer with other appropriate state and federal officials as well as the North Dakota Congressional Delegation; and

BE IT FURTHER RESOLVED, that the Legislative Council seek the assistance of the Governor of this state and the North Dakota Congressional Delegation in securing the creation of a national committee to study the problems of civil jurisdiction within the exterior boundaries of Indian reservations throughout the United States, and to consider, among other things, amending federal law:

1. To require that Indian people accept state civil jurisdiction within the exterior boundaries of reservations;
2. To create a federal court to hear civil cases arising within the exterior boundaries of reservations; or
3. To transfer such cases to existing federal courts; 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; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the leadership of the United States House of Representatives, including the Speaker, the Majority Leader, the Majority Whip, the Minority Leader, and the Minority Whip; the leadership of the Senate, including the Majority Leader, the Majority Whip, the Minority Leader, and the Minority Whip; the members of the North Dakota Congressional Delegation; the Governor; the Attorney General; the United States Attorney for North Dakota; the Executive Director of the North Dakota Association of Counties; the Executive Director of the Indian Affairs Commission; the President of the United States; the Vice President of the United

States; the Secretary of the Interior; and the Attorney General of the United States.

Filed April 1, 1985

## CHAPTER 862

SENATE CONCURRENT RESOLUTION NO. 4077  
(Senators Nething, Heigaard)  
(Representatives Strinden, Mertens, R. Hausauer)  
(Approved by the Committee on Delayed Bills)

### LEGISLATIVE ASSEMBLY ANNIVERSARY

A concurrent resolution commemorating the 100th anniversary of the first meeting of the Dakota Territorial Legislative Assembly in Bismarck and the 50th anniversary of the first session of the North Dakota Legislative Assembly in the present State Capitol.

WHEREAS, the Dakota Territorial Legislative Assembly first met in Bismarck in 1885 after meeting in Yankton, South Dakota, from the creation of Dakota Territory in 1861 until 1885; and

WHEREAS, after a disastrous fire destroyed the original State Capitol, the North Dakota Legislative Assembly first met in the present State Capitol for the Twenty-fourth Legislative Assembly in 1935; and

WHEREAS, 1985 marks the 100th anniversary of the first meeting of the Dakota Territorial Legislative Assembly in Bismarck and the 50th anniversary of the first meeting of the North Dakota Legislative Assembly in the present State Capitol; and

WHEREAS, the commemoration of these historic events deserves the attention and participation of members of the Legislative Assembly and other leaders and citizens of this state;

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

That the members of the Forty-ninth Legislative Assembly will commemorate the 100th anniversary of the first meeting of the Dakota Territorial Legislative Assembly in Bismarck and the 50th anniversary of the first meeting of the North Dakota Legislative Assembly in the present State Capitol with appropriate programs on Thursday, March 28, 1985, beginning at 3:30 p.m. in the respective legislative chambers; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor, the Chief Justice, former governors, former lieutenant governors, and former members of the Supreme Court.

Filed March 26, 1985

## CHAPTER 863

SENATE CONCURRENT RESOLUTION NO. 4078  
(Senators Nething, Heigaard)  
(Representatives Strinden, Mertens)  
(Approved by the Committee on Delayed Bills)

### GOVERNOR-CANADIAN OFFICIAL DISCUSSIONS

A concurrent resolution urging the Governor of the state of North Dakota to invite the Premier of the province of Manitoba, Canada, and other leaders of the Manitoba government to meet with North Dakota leaders of the legislative and executive branches of government to discuss issues of mutual concern between the two governments and the people they represent in order to arrive at mutually acceptable and beneficial solutions to those issues.

WHEREAS, the people of the state of North Dakota and the province of Manitoba have long enjoyed a continuing friendly and cooperative relationship characterized by common good will; and

WHEREAS, leaders of the legislative and executive branches of government of the state of North Dakota and the leaders of the government of the province of Manitoba regularly address many issues of common concern relating to agriculture, the management of water resources, economic development and tourism, and the environment; and

WHEREAS, it would be in the best interests of both North Dakota and Manitoba citizens if such issues of common concern were cooperatively addressed by leaders of both governments and resolved in a fashion bringing about mutually beneficial results; and

WHEREAS, officials from the legislative and executive branches of government of the state of North Dakota and the officials of the government of the province of Manitoba should avail themselves of the vast technical resources abundant in both jurisdictions to assess and address common issues of concern; and

WHEREAS, the highest officials from the legislative and executive branches of government of the state of North Dakota and the highest officials of the government of the province of Manitoba should meet on a regular basis to discuss items of mutual interest;

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

That the Governor of the state of North Dakota is urged to invite the Premier of the province of Manitoba, Canada, and other leaders of the Manitoba government to meet with North Dakota leaders of the legislative and executive branches of state government to discuss issues of mutual concern between the two governments and the people they represent in order to arrive at mutually acceptable and beneficial solutions to those issues; and

BE IT FURTHER RESOLVED, that such meetings between the leaders of the two governments be held alternately in North Dakota and Manitoba on a regular semiannual basis; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Honorable George A. Sinner, Governor of North Dakota, and the Honorable Howard Russell Pawley, Premier of Manitoba, Canada.

Filed April 1, 1985

## CHAPTER 864

SENATE CONCURRENT RESOLUTION NO. 4079  
(Satrom, Lips, Heinrich, Olson)  
(Approved by the Committee on Delayed Bills)

### BISMARCK DEMONS WRESTLING TEAM

A concurrent resolution congratulating the Bismarck High School Demons wrestling team for its national record-setting winning streak.

WHEREAS, the Bismarck High School Demons wrestling team has won 171 consecutive dual meets since 1971; and

WHEREAS, this winning streak is a national record for wrestling and may be a national record for all sports; and

WHEREAS, the Bismarck Demon athletic program has been led by Bismarck Public School Athletic Director Dick Karlgaard throughout the period of this phenomenal winning streak; and

WHEREAS, the Demon wrestling coaches during the streak included State Representative Jerry Halmrast, Mike Schaff, and Mark Carter; and

WHEREAS, Demon wrestling teams have won 17 state team championships, and Demon wrestlers have won 63 individual championships; and

WHEREAS, three former Demons, Phil Reimnitz, Lee Peterson, and Mark Reimnitz, have won National Collegiate Athletic Association championships; and

WHEREAS, Coach Jerry Halmrast was named National Coach of the Year in 1973, and Dick Karlgaard was named District 7 Athletic Director of the Year in 1980 and 1983; and

WHEREAS, the Bismarck Demon wrestling team has brought national attention and renown to Bismarck and this state and recognition to the high quality activities program carried on throughout the North Dakota High School Activities Association;

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

That the Forty-ninth Legislative Assembly of the State of North Dakota extends its sincere and hearty congratulations to the Bismarck High School Demons wrestling team and the individuals who have taken part in that program for their outstanding athletic achievements; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the superintendent of the Bismarck school system, Bismarck School Board, Bismarck High School Athletic Department, and the North Dakota High School Activities Association.

Filed April 5, 1985

## CHAPTER 865

SENATE CONCURRENT RESOLUTION NO. 4080  
(Committee on Appropriations)  
(Approved by the Committee on Delayed Bills)

### ELDERLY PERSONS SERVICES STUDY

A concurrent resolution directing the Legislative Council to study existing services provided for vulnerable elderly persons, whether the delivery of those services might be better coordinated, and whether existing services are adequate in scope to protect elderly incapacitated persons.

WHEREAS, the Legislative Assembly has recognized the need to provide certain protective services for abused and neglected children; and

WHEREAS, elderly incapacitated persons are subject to neglect and abuse and may require special protective services; and

WHEREAS, estimates indicate that nationwide between 500 thousand to one million elderly persons are abused by their caretakers or others each year; and

WHEREAS, the problem of abuse of elderly adults, however extensive now, is compounding every year because of the growing population of persons over 65 years of age and the problem therefore requires a broadly based set of solutions; and

WHEREAS, there may exist a need to develop a more coordinated and systematic approach for the delivery of existing services or additional services on a statewide basis to address the needs of elderly incapacitated persons;

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

That the Legislative Council study existing services for vulnerable elderly persons, whether the delivery of those services might be better coordinated, and whether existing services are adequate in scope to protect elderly incapacitated persons; 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 April 5, 1985

## CHAPTER 866

SENATE CONCURRENT RESOLUTION NO. 4081  
(Reiten, Redlin)

## GARRISON DIVERSION STUDY URGED

A concurrent resolution reaffirming legislative support for Garrison Diversion and the Lonetree Reservoir, and requesting the Governor to initiate a study of the possible adverse effects of transfers of fish species, biota, and pathogens from the Missouri River Basin to the Hudson Bay Drainage Basin.

WHEREAS, the future development of irrigation, and industrial, residential, and recreational water uses in the northern and eastern parts of North Dakota, depends upon the diversion of Missouri River Basin water; and

WHEREAS, the future diversion of Missouri River water into the Hudson Bay Drainage Basin requires the completion of the Lonetree Reservoir; and

WHEREAS, opponents of diverting Missouri River water are seeking action in the Congress of the United States to revoke the authorization for the construction of the Lonetree Reservoir, based upon claims of adverse effects of transfers of fish species, pathogens, and biota from the Missouri River to the Hudson Bay Drainage Basin; and

WHEREAS, no scientific studies have been undertaken to verify or discount these claims; and

WHEREAS, it is in the best interest of the United States, the state of North Dakota, the Garrison Diversion Conservancy District, the Dominion of Canada, and the province of Manitoba, to conduct such studies as are necessary to verify or discount these claims; and

WHEREAS, the Garrison Diversion Conservancy District and the Bureau of Reclamation have funds necessary to carry out such studies, with possible assistance from the federal government of Canada and the province of Manitoba; and

WHEREAS, it is of paramount importance that Congress, in considering the increasing pressure to revoke authorization for the

construction of the Lonetree Reservoir, understand that North Dakota remains firm in its demand for the construction of the Lonetree Reservoir, and that North Dakota supports a study of the transfer of fish species, biota, and pathogens, and possible adverse effects of these transfers;

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

That the Forty-ninth Legislative Assembly reaffirms its historic support for the completion of the Garrison Diversion Project, and specifically for the completion of the Lonetree Reservoir; and

BE IT FURTHER RESOLVED, that the Forty-ninth Legislative Assembly requests the Governor of North Dakota to initiate a study of the possible adverse effects of transfers of fish species, biota, and pathogens between the Missouri River Basin and the Hudson Bay Drainage Basin, and that the Garrison Diversion Conservancy District, the Bureau of Reclamation, the federal government of Canada, and the provincial government of Manitoba be requested to help fund and participate in the study; and

BE IT FURTHER RESOLVED, that the Garrison Diversion Overview Committee be apprised of the developments and conclusions of the study and that a progress report on the study be made by the Governor to the Fiftieth Legislative Assembly; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Governor, the Bureau of Reclamation, the Garrison Diversion Conservancy District, the Garrison Diversion Overview Committee, the Dominion of Canada, and the provincial government of Manitoba.

Filed April 5, 1985

## CHAPTER 867

SENATE CONCURRENT RESOLUTION NO. 4032  
(Senators Nething, Heigaard)  
(Representatives Strinden, Mertens)  
(Approved by the Committee on Delayed Bills)

### DOCTOR OF THE DAY PROGRAM

A concurrent resolution expressing the thanks and appreciation of the Forty-ninth Legislative Assembly to the North Dakota Medical Association's Doctor of the Day Program.

WHEREAS, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine family medicine and internal medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the Doctor of the Day during the Forty-ninth Legislative Assembly; and

WHEREAS, more than 200 legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling and medications through the Doctor of the Day Program at no charge; and

WHEREAS, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Pharmacy, and the State Health Department have all provided services, equipment, or supplies to the Doctor of the Day medical services room;

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

That thanks and appreciation are expressed to the physicians and health care groups who have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1985 North Dakota Medical Association's Doctor of the Day Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the above-mentioned health care providers and entities.

Filed April 9, 1985

## CHAPTER 868

SENATE CONCURRENT RESOLUTION NO. 4083  
(Committee on Employment)  
(Approved by the Committee on Delayed Bills)

### LEGISLATIVE EMPLOYEES RETAINED

A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

WHEREAS, it is necessary to complete and close all legislative work; and

WHEREAS, in order to complete and close all current legislative work of the Forty-ninth Legislative Assembly, it is necessary to retain certain employees;

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

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

#### SENATE POSITIONS

Secretary of the Senate  
Desk Reporter  
Sergeant-at-Arms  
Assistant Secretary of the Senate  
Bill Clerk  
Chief Stenographer and Payroll Clerk  
Appropriations Committee Clerk  
Assistant Appropriations Committee Clerk  
Chief Committee Clerk  
Chief Page and Bill Book Clerk  
Secretary to Majority Leader  
Secretary to Minority Leader  
Assistant Sergeants-at-Arms  
Chief Bill and Journal Room Clerk  
Journal Room Clerks

#### HOUSE POSITIONS

Chief Clerk  
Desk Reporter  
Assistant Chief Clerk  
Bill Clerk  
Sergeant-at-Arms  
Assistant Sergeants-at-Arms  
Chief Page  
Pages  
Desk Page  
Chief Steno and Payroll Clerk  
Chief Telephone Clerk  
Appropriations Committee Clerk  
Assistant Appropriations Clerks  
Secretary to Speaker  
Secretary to Majority Leader  
Secretary to Minority Leader  
Bill Room Clerks

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

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in Senate Concurrent Resolution No. 4029 for all work required pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Forty-ninth and Fiftieth Legislative Assemblies, and paid at the completion of the legislative work, providing that payment shall not be authorized for more than 200 man-days in the aggregate, and each employee above-listed shall be paid on a pro rata basis, should the total number of man-days exceed the allowed limit.

Filed April 9, 1985

## CHAPTER 869

SENATE CONCURRENT RESOLUTION NO. 4084  
(Senators Matchie, Tennesos)  
(Representatives Moore, Nalewaja, R. Berg)  
(Approved by the Committee on Delayed Bills)

## NDSU CLUB HOCKEY TEAM CONGRATULATED

A concurrent resolution congratulating the North Dakota State University Bison Club Hockey Team for winning the 1985 National Collegiate Club Hockey Tournament held at Huntsville, Alabama, on March 1, 2, and 3, 1985.

WHEREAS, the North Dakota State University Bison Club Hockey Team completed its first full season of collegiate competition by compiling an impressive record of 24 wins and only 6 losses, culminating in the National Championship title at the National Collegiate Club Hockey Tournament in Huntsville, Alabama; and

WHEREAS, the North Dakota State University Bison Club Hockey Team, coaches, advisor, financial contributors, students, boosters, and fans have all contributed to making collegiate hockey at North Dakota State University a reality and a huge success in the first full year of competition; and

WHEREAS, the North Dakota State University Bison Club Hockey Team's outstanding season and National Championship are accomplishments of which all North Dakotans can be justifiably proud;

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

That the Forty-ninth Legislative Assembly takes great pride and pleasure in extending its congratulations to the North Dakota State University Bison Club Hockey Team which consists of team members Jeff Aikens, Todd Akkanen, Wade Amundson, Matt Andrews, Mike Berg, Tom Bruce, Bill Bye, Ryan Christianson, Mike Duffey, Tom Folske, Erick Grafstrom, Jeff Iverson, Greg LaDouceur, Jim Mikkelson, Doug Odegaard, Terry Pavek, John Schacher, Don Smith, Elliott Solheim, Kary Strandell, Bill Strauss, Student Trainer Scott Johnson, Head Coach Dave Morinville, Assistant Coach Jim Shaw, and Faculty Advisor, Dr. Bob Nielsen, for their most successful season and for winning the 1985 National Collegiate Club Hockey Tournament; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration at North Dakota State University, to the North Dakota State University Bison Hockey Club and team members, to Head Coach Dave Morinville, and to Faculty Advisor, Dr. Bob Nielsen.