

# HOUSE CONCURRENT RESOLUTIONS

## CHAPTER 801

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

### MENTAL HEALTH SERVICES STUDY

A concurrent resolution directing the Legislative Council to review and develop recommendations regarding the expansion of community services for the chronically mentally ill and chemically dependent and the future role of the State Hospital.

WHEREAS, the 1987 Legislative Assembly passed Senate Bill No. 2036 that requires the Department of Human Services to develop a plan for an integrated, multidisciplinary continuum of services for chronically mentally ill individuals; and

WHEREAS, the Department of Human Services has, pursuant to this law, developed a plan for the treatment of the mentally ill and the promotion of mental health for the period July 1, 1987, to June 30, 1993; and

WHEREAS, the implementation of the department's plan may require significant additional state resources during the 1989-91 and future bienniums and as community services are expanded the role of the department and the State Hospital in the provision of these services may need to be redefined and resources reallocated;

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

That the Fifty-first Legislative Assembly urges the Department of Human Services as it implements the plan for expansion of community services for the chronically mentally ill and chemically dependent during the 1989-91 biennium to present information, along with the State Hospital, to the Legislative Council, or a committee it designates, on the implementation of additional community services and the effect these community services will have on the future services to be provided by the State Hospital; and

BE IT FURTHER RESOLVED, that the Legislative Council review the implementation, hold periodic discussions with Department of Human Services and State Hospital personnel, and develop recommendations regarding the future role of the State Hospital during the 1991-93 and future bienniums; and

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

Filed March 23, 1989

## CHAPTER 802

HOUSE CONCURRENT RESOLUTION NO. 3002  
(Legislative Council)  
(Interim Budget Committee on Human Services)

### **MENTAL HEALTH PILOT PROJECTS**

A concurrent resolution urging the Department of Human Services, in its development of a continuum of services for the chronically mentally ill and chemically dependent, to conduct pilot projects for legislative consideration in expanding the program for the 1991-93 biennium and urging the department to use regional intervention services to control access to the mental health system.

WHEREAS, the 1987 Legislative Assembly passed Senate Bill No. 2036, which required the Department of Human Services to develop a plan for an integrated, multidisciplinary continuum of services for chronically mentally ill individuals; and

WHEREAS, the Legislative Council's Budget Committee on Human Services during the 1987-88 interim studied the future role and function of the State Hospital in the provision of services to the mentally ill and chemically dependent during a period of expansion of community-based services; and

WHEREAS, the committee toured the State Hospital and received testimony on the current needs and expected future role and function of the State Hospital; and

WHEREAS, consultants from the National Conference of State Legislatures' Mental Health Project recommended that development of a comprehensive mental health system include the use of pilot projects to demonstrate the costs and effectiveness of the system of care at the local level; and

WHEREAS, the committee determined that the use of regional intervention services at the human service centers, to evaluate individuals and determine appropriate treatment, along with necessary community services could assist in reducing the number of inappropriate placements to the State Hospital;

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

That the Fifty-first Legislative Assembly urges the Department of Human Services, in its development of a continuum of mental health services, to conduct pilot projects during the 1989-91 biennium, including the use of regional intervention services to control access to the system, to assist the Fifty-second Legislative Assembly in evaluating the program and in considering the further expansion of community services during the 1991-93 biennium; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the executive director of the Department of Human Services.

Filed March 23, 1989

## CHAPTER 803

HOUSE CONCURRENT RESOLUTION NO. 3003  
(Legislative Council)  
(Interim Budget Committee on Human Services)

### HUMAN SERVICE FUNDING STUDY

A concurrent resolution directing the Legislative Council to study the budgeting, auditing, and management of the reimbursement system for the Department of Human Services' developmental disabilities program; to study the budgeting, auditing, and management of the existing reimbursement system for private providers of mental health services; to review plans to expand the state's partnership with private mental health providers; and urging the Appropriations Committees of the Fifty-first Legislative Assembly to consider areas of concern relating to the budget for reimbursement of developmental disability providers and private providers of mental health services.

WHEREAS, the Budget Committee on Human Services during the 1987-88 interim conducted a study of the reimbursement systems established by the Department of Human Services; and

WHEREAS, the committee received testimony from developmental disability providers suggesting the Department of Human Services conduct more timely audits, involve more outside representatives in the reimbursement process, and minimize inconsistencies in reimbursement among the providers; and that a consultant be contracted with to conduct a management review of the reimbursement program; and

WHEREAS, the committee also received complaints from providers regarding differentials in reimbursement rates between private and state-operated developmental disability facilities, facility staff salary differences, and the department's reimbursement penalty for facilities with less than 95 percent occupancy; and

WHEREAS, a detailed review of the management of the reimbursement system is necessary to address the provider concerns regarding the appropriate methods for budgeting, auditing, and management of the reimbursement program; and

WHEREAS, the committee received testimony that inequities exist between the reimbursement system of the Department of Human Services available to developmental disability providers and private providers of mental health services; and

WHEREAS, a detailed review of the policies and management of the reimbursement system available to private providers of mental health services is necessary to properly plan for an orderly development of a working partnership between the public and private mental health delivery systems;

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

That the Legislative Council study the budgeting, auditing, and management of the Department of Human Services' developmental disabilities reimbursement system; study the budgeting, auditing, and management of the existing reimbursement system for private providers of mental health services; and review plans to expand the state's partnership with private mental health providers; 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 Fifty-second Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Appropriations Committees of the Fifty-first Legislative Assembly consider the budget concerns of the private mental health providers and developmental disabilities providers, including differentials in rates between private and state-operated facilities, facility staff salary differences, and the department's reimbursement penalty for facilities with less than 95 percent facility occupancy, in the development of the Department of Human Services' 1989-91 appropriation.

Filed March 30, 1989

## CHAPTER 804

HOUSE CONCURRENT RESOLUTION NO. 3004  
(Legislative Council)  
(Interim Jobs Development Commission)

### JOBS DEVELOPMENT COMMISSION

A concurrent resolution directing the Legislative Council to establish a Jobs Development Commission composed of legislators, officials from the executive branch of state government, officials from higher education, and representatives of the private sector to study methods and coordinate efforts to initiate and sustain state economic development and to stimulate the creation of new employment opportunities for the citizens of North Dakota.

WHEREAS, the North Dakota economy is extremely vulnerable to national and international forces that have depressed energy prices and the price of the state's leading agricultural export commodities, the impact of which is felt not only by energy industry workers and their families and farm and ranch families but also by businesses, public service entities, and residents of rural and urban North Dakota communities; and

WHEREAS, the state's vulnerability to these economic forces may be reduced by strengthening and diversifying the state's economic base through a concerted effort by private and public sectors to strengthen, expand, and retain existing business and industry and to facilitate the startup and growth of new business and industry in the state; and

WHEREAS, both the Forty-ninth and Fiftieth Legislative Assemblies directed the Legislative Council to form a Jobs Development Commission composed of legislators and other representatives of the public and private sectors to study and develop methods to initiate and sustain state economic development; and

WHEREAS, both the 1985-86 Jobs Development Commission and the 1987-88 Jobs Development Commission provided a necessary and efficient focal point for representatives of private and public sectors to discuss proposals and develop and execute policies and plans for state economic development;

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

That the Legislative Council form a Jobs Development Commission composed of legislators, officials from the executive branch of state government, officials from higher education, and representatives of the private sector to study methods and coordinate efforts to initiate and sustain state economic development and to stimulate the creation of new employment opportunities for the citizens of North Dakota; and

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

## CHAPTER 805

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

### **RETIREMENT BOARD CONSOLIDATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating various organizational and investment functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board.

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

WHEREAS, it has recently been observed that the retirement system goals and investment objectives of the Public Employees Retirement System and Teachers' Fund for Retirement are similar in many respects and that possible administrative efficiencies and cost savings might be realized through the consolidation of various organizational and investment functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board; and

WHEREAS, the decision whether or not to consolidate functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board is a matter of public policy involving a number of questions that need to be answered and problems to be solved, and, therefore, should be a decision made by the Legislative Assembly in close consultation with the affected boards; and

WHEREAS, any consolidation of functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board should not jeopardize the past accomplishments or necessary goals and objectives of public retirement programs;

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

That the Legislative Council study the feasibility and desirability of various options relating to the consolidation of various organizational and investment functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board; and

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

Filed March 23, 1989

## CHAPTER 806

HOUSE CONCURRENT RESOLUTION NO. 3009  
(Representatives Kelly, R. Larson, D. Olsen)  
(Senators Mathern, Stenehjem)

### NURSING HOME RATES STUDY

A concurrent resolution directing the Legislative Council to study the methodology for considering property costs in setting rates for nursing home care in North Dakota.

WHEREAS, the Fiftieth Legislative Assembly enacted North Dakota Century Code Chapter 50-24.4, relating to authority of the Department of Human Services to determine rates for care of residents of nursing homes that qualify as vendors of medical assistance; and

WHEREAS, during the 1987-88 interim the Legislative Council's Budget Committee on Human Services studied the Department of Human Services' development of a case mix reimbursement system that establishes the part of the payment rate for nursing care which considers factors other than the cost of nursing home property; and

WHEREAS, members of the nursing home industry have solicited and requested the direction of the Legislative Assembly in the development of a methodology that considers the cost of nursing home property used in providing nursing home care;

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

That the Legislative Council study the present and alternative methodologies for considering property costs in setting rates for nursing home care in this state and review methods used in other states which eliminate consideration of actual interest and depreciation costs; and

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

Filed March 30, 1989

## CHAPTER 807

HOUSE CONCURRENT RESOLUTION NO. 3010  
(Schmidt)

### **FEDERAL CROP INSURANCE INDEMNITY INCREASE URGED**

A concurrent resolution urging the Federal Crop Insurance Corporation of the United States Department of Agriculture to increase the amount of indemnity on major crops to levels that reflect anticipated market price or target price, to maintain yield guarantee levels to at least the yield guarantee levels for 1988 and to move the last day of replant for small grains up ten days.

WHEREAS, North Dakota has just experienced the most devastating drought since the 1930's; and

WHEREAS, climatic conditions did not improve in the Midwest during the last quarter of 1988; and

WHEREAS, agricultural producers cannot insure the cash crops they are growing at market level prices due to the unavailability of such a price selection; and

WHEREAS, the last day of replant for small grains is set too late under present regulations; and

WHEREAS, the chances of a crop disaster aid package being passed during the 1989 growing season are slim; and

WHEREAS, Congress required in the 1988 Disaster Emergency Act that the Commission on the Improvement of the Federal Crop Insurance Program address problems within the Federal Crop Insurance Corporation;

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

That the Fifty-first Legislative Assembly urges the Federal Crop Insurance Corporation of the United States Department of Agriculture to increase major crop indemnity prices so that they more accurately reflect the anticipated market or target price levels of the crops insured;

BE IT FURTHER RESOLVED, that the Federal Crop Insurance Corporation maintain yield guarantee levels to at least the 1988 levels; and

BE IT FURTHER RESOLVED, that the last day of replant for small grains be moved up ten days; and

BE IT FURTHER RESOLVED, that the commission schedule an April 1989 hearing at Bismarck, North Dakota, concerning the problems of the Federal Crop Insurance Corporation; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Manager of the Federal Crop Insurance Corporation, the Commission on the Improvement of the Federal Crop Insurance Program, the Secretary of Agriculture of the United States Department of Agriculture, the chairmen of the United States Senate and House Committees on Agriculture, each member of the North Dakota Congressional Delegation, and the Governor of North Dakota.

Filed March 23, 1989

## CHAPTER 808

HOUSE CONCURRENT RESOLUTION NO. 3013  
(Representatives Payne, R. Berg, Bernstein, Dorso, Gorman, Kelly,  
Kloubec, Scherber, Schneider, Soukup)  
(Senators Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos)

### **BISON FOOTBALL CHAMPIONSHIP**

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

WHEREAS, the North Dakota State University Bison football team, coached by native North Dakotan Rocky Hager, completed an undefeated, untied 1988 season with 14 wins, capped by a victory over Portland State University in the NCAA Division II championship; and

WHEREAS, the Bison have been awarded national championships by acclamation in 1965, 1968, and 1969, and have won national championships in playoff competition in 1983, 1985, 1986, and 1988; and

WHEREAS, the Bison have established a record of 15 wins and 1 loss during their past 16 Division II playoff games, the Bison current winning streak of regular and postseason games is the longest current winning streak in NCAA Division II football, and the Bison have won more games in NCAA Division II postseason football play than any other team in history; and

WHEREAS, "Bison pride" and the "bring on the competition" attitude of the people associated with the Bison football program have produced the most successful program in NCAA Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

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

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

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

Filed January 13, 1989

## CHAPTER 809

HOUSE CONCURRENT RESOLUTION NO. 3014  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Olson)

### LEGISLATIVE FITNESS DAY

A concurrent resolution designating January 11, 1989, 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, March 4, 1985, and March 9, 1987, were legislative fitness days in recognition of the importance of physical fitness; and

WHEREAS, to heighten our awareness of the importance of physical fitness the North Dakota Alliance for Health, Physical Education, Recreation, and Dance has again volunteered to perform a variety of health care screening and assessment services for members of the Legislative Assembly and legislative 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 HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That January 11, 1989, is 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 January 17, 1989

## CHAPTER 810

HOUSE CONCURRENT RESOLUTION NO. 3015  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Olson)

### **CHOLESTEROL AWARENESS DAY**

A concurrent resolution designating January 11, 1989, as Cholesterol Awareness Day.

WHEREAS, heart disease is one of the leading causes of death among residents of this state; and

WHEREAS, changes in lifestyle and diet may lessen the chances of the occurrence and severity of heart disease; and

WHEREAS, the North Dakota Heart Association, Medical Association, Nurses Association, Pharmacy Association, and Dietetic Association support the concept that cholesterol is a major contributor to heart disease;

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

That January 11, 1989, is designated as Cholesterol Awareness Day.

Filed January 17, 1989

## CHAPTER 811

HOUSE CONCURRENT RESOLUTION NO. 3016  
(Representatives Kloubec, Schneider, Kretschmar)  
(Senators Heigaard, Olson)

### **PRESIDENTIAL INAUGURATION ATTENDANCE**

A concurrent resolution authorizing the Speaker of the House and the majority and minority House and Senate 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 George Bush 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 HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE 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 House and the Senate 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, 1989

## CHAPTER 812

HOUSE CONCURRENT RESOLUTION NO. 3020  
(Representatives G. Berg, Kingsbury, Shockman)  
(Senator O'Connell)

### INTERBASIN WATER TRANSFER STUDY

A concurrent resolution directing the Legislative Council to study the interbasin transfer of biota, waterfowl diseases, waterfowl wastes, and the possibility of moving Missouri River water to the James, Sheyenne, Souris, and Red Rivers.

WHEREAS, the issue of the interbasin transfer of fish, fish eggs, fish diseases, biota, and undesirable plant species has affected development and construction of the Garrison Diversion Unit Project; and

WHEREAS, the interbasin transfer of fish, fish eggs, fish diseases, biota, and undesirable plant species may be facilitated by the movement of migratory waterfowl between and among drainage basins; and

WHEREAS, waterfowl populations are adversely affected by waterfowl diseases such as avian botulism, avian cholera, and other waterfowl diseases; and

WHEREAS, concentrating waterfowl in enclosed waterfowl refuges may lead to the increased presence of waterfowl diseases and water quality problems caused by the increased volume of waterfowl wastes; and

WHEREAS, the Missouri River would be a good source of water to stabilize, freshen, and improve the water quality of the James, Sheyenne, Souris, and Red Rivers; and

WHEREAS, the Missouri River would be a good source of water to flush waterfowl refuges and thus help control waterfowl diseases and water quality problems caused by waterfowl wastes in waterfowl refuges;

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

That the Legislative Council study the interbasin transfer of fish, fish eggs, fish diseases, biota, and undesirable plant species; the impact of migratory waterfowl moving between and among drainage basins on this transfer; waterfowl diseases; the impact of waterfowl wastes on water quality and the incidence of waterfowl diseases; and mechanisms for moving water from the Missouri River to the James, Sheyenne, Souris, and Red River basins as a solution to waterfowl disease and water quality problems in these basins; and

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

Filed March 28, 1989

## CHAPTER 813

HOUSE CONCURRENT RESOLUTION NO. 3021  
(Rydell, Sorensen)

### **OLDER WORKER EMPLOYMENT URGED**

A concurrent resolution urging employers to provide employment opportunities for older workers.

WHEREAS, approximately one out of five individuals in North Dakota is 55 or more years of age; and

WHEREAS, the annual income of an estimated 28,293 of these older individuals does not exceed 125 percent of the poverty guidelines established by the United States Department of Labor; and

WHEREAS, many individuals aged 55 or older need or want meaningful employment; and

WHEREAS, while 1,500,000 workers aged 18 to 34 enter the national work force each year, 3,000,000 jobs are created each year; and

WHEREAS, older individuals offer experience, knowledge, and skills; are efficient and productive workers; are committed to the work ethic so prevalent in North Dakota workers; are loyal and committed to the goals of their employer; are cost effective to their employer; and provide a role model for younger workers;

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

That the Fifty-first Legislative Assembly urges employers to consider the skills and experience of workers who are 55 years of age or older in order to provide more opportunities for employment of such workers; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Job Service North Dakota and to the Greater North Dakota Association.

Filed March 31, 1989

## CHAPTER 814

### HOUSE CONCURRENT RESOLUTION NO. 3023 (Hoffner)

## ADULT VOCATIONAL EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing a comprehensive, statewide delivery system for adult vocational and technical education and industrial training.

WHEREAS, the economic downturn in the agricultural and energy sectors of the state has left many farmers and energy workers without jobs and has affected other businesses, resulting in the closing of some of those businesses or the layoff of workers who are now in need of retraining, career and personal counseling, remedial education, job search assistance, work experience, and other job-related services; and

WHEREAS, an increased emphasis on economic development in the state has placed a greater demand on vocational education programs to provide new and expanding businesses with customized training for workers; and

WHEREAS, ever-expanding technology is changing the way workers perform their jobs which requires not only an updating of current curriculum but also the upgrading of opportunities for existing workers to maintain their competitiveness in a world market economy; and

WHEREAS, the declining number of secondary students exiting the state's public schools will require that the demand for new workers be met by individuals within the existing work force who traditionally have been underserved by education and training; and

WHEREAS, although there are a number of public and private sector organizations that deliver education and training programs and services throughout the state, many of those organizations offer similar and seemingly duplicative services;

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

That the Legislative Council study the feasibility and desirability of developing a comprehensive, statewide delivery system for adult vocational and technical education and technical training, including the need to allocate additional funding for adult and industrial education and training, to expand present education and training programs to be more flexible and responsive to the needs of employed and unemployed workers, to intensify state efforts to market existing programs and services, to conduct market research to determine current and future needs of businesses, and to develop a statewide technical resource center to develop new curriculum for training programs; and

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

## CHAPTER 815

HOUSE CONCURRENT RESOLUTION NO. 3024  
(Representatives Gunsch, O'Shea)  
(Senators Keller, Freborg)

### STATE SURFACE MINING CONTROL URGED

A concurrent resolution urging Congress to amend the Surface Mining Control and Reclamation Act of 1977, to allow the duration of the responsibility period for revegetation to be determined by each state regulatory authority.

WHEREAS, Public Law 95-87, 30 U.S.C. 1201, known as the Surface Mining Control and Reclamation Act of 1977, provides for a fixed responsibility period for revegetation; and

WHEREAS, the necessary time for successful revegetation varies due to regional differences in soils, weather, and other conditions; and

WHEREAS, many years of reclamation experience have proven that the presently required responsibility period for revegetation is unnecessarily long for the state of North Dakota and results in lands being out of the control of landowners for extensive periods of time; and

WHEREAS, such requirements impose an unnecessary financial burden upon both the coal mining industry and the agricultural industry in North Dakota; and

WHEREAS, it is in the best interests of North Dakota to amend the law to allow the duration of the responsibility period for revegetation to be determined by each state regulatory authority:

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to amend Section 515(b)(20) of the Surface Mining Control and Reclamation Act of 1977, as follows:

(20) assume the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order time determined by the regulatory authority as necessary to assure compliance with paragraph (19) above; except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work. Provided, That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year time period of responsibility as determined by the regulatory authority for revegetation shall commence at the

date of initial planting for such long-term intensive agricultural postmining land use: Provided further, That when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above; and

BE IT FURTHER RESOLVED, that copies of the resolution be forwarded by the Secretary of State to the Secretary of the Interior, the chairman of the House Committee on Interior and Insular Affairs, the chairman of the Senate Committee on Energy and Natural Resources and to each member of the North Dakota Congressional Delegation.

Filed March 23, 1989

## CHAPTER 816

HOUSE CONCURRENT RESOLUTION NO. 3025  
(Representatives Kretschmar, Schatz, Kouba)  
(Senator Krauter)

### MISSOURI RIVER BRIDGE URGED

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

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

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

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

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

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

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

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

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

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

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

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

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

Filed March 28, 1989

## CHAPTER 817

HOUSE CONCURRENT RESOLUTION NO. 3027  
(Representative Kretschmar)  
(Senator Olson)

### LEGISLATIVE PROCESS STUDY

A concurrent resolution directing the Legislative Council to study the legislative process, with emphasis on the appropriate use of the 80 natural days allowed for the Legislative Assembly to be in session.

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

WHEREAS, as the result of a Legislative Council study during the 1977-78 interim, no specific recommendation was made concerning the use of the "additional" 20 days as a result of the constitutional amendment changing session length from 60 legislative days to 80 natural days; and

WHEREAS, after six sessions of operating under the 80 natural day provision, alternatives to the current use of the time permitted under the constitution should be studied to determine if the efficiency of the Legislative Assembly could be increased; and

WHEREAS, various alternatives on the use of time permitted under the constitution could result in dramatic changes in the legislative process, including, but not limited to, using approximately one-half of the allotted days in each calendar year of a biennium; and

WHEREAS, all members of the Legislative Assembly, state and local governmental officials, and the public at large should have an opportunity to be heard prior to adoption of any procedure that could result in a dramatic change in the legislative process;

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

That the Legislative Council study the legislative process, with emphasis on the appropriate use of the 80 natural days allowed for the Legislative Assembly to be in session during a biennium; and

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

Filed March 23, 1989

## CHAPTER 818

HOUSE CONCURRENT RESOLUTION NO. 3028  
(Committee on Appropriations)

### BLOCK GRANTS

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

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

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

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

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

WHEREAS, the Legislative Assembly will not meet in regular session during 1990 and thus its public hearing responsibility for grants not approved by the Fifty-first Legislative Assembly must be delegated to a legislative entity;

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

That the appropriation bills for the Office of Management and Budget, Department of Human Services, and State Department of Health and Consolidated Laboratory Services, as they are passed by this Legislative Assembly, are the Legislative Assembly's approval and contain directions on the use of block grant moneys for the period ending September 30, 1991; and

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

BE IT FURTHER RESOLVED, that the Budget Section authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-first Legislative Assembly through September 30, 1991, and the Budget Section shall utilize such methods and procedures for holding such hearings and giving notice thereof as it deems appropriate.

Filed March 28, 1989

## CHAPTER 819

HOUSE CONCURRENT RESOLUTION NO. 3029  
(Schatz, Tomac, Kouba, Murphy)

### GARRISON UNIT ADVISORY COMMITTEE URGED

A concurrent resolution urging the Congress of the United States to create a Garrison Unit Advisory Committee to review the impact of the impoundment of the waters of the Missouri River on the social and economic base of North Dakota including the impact on Indians of the Fort Berthold and Standing Rock Indian Reservations.

WHEREAS, the Pick-Sloan Missouri River Basin Program was developed to manage the Missouri River Basin as the result of serious downstream flooding during World War II and was designed to provide irrigation, hydroelectric power, flood control, navigation, sediment abatement, fish and wildlife enhancement, municipal and industrial water supplies, and pollution control; and

WHEREAS, dams located on the Missouri River have prevented \$4 billion in flood damage at a cost of \$1.5 billion; and

WHEREAS, North Dakota has lost approximately 550,000 acres of land, \$50 million of unrecoverable lignite, \$120 million of unrecoverable oil, \$3.5 million in forest products, 2,600 jobs involving 10,000 people, and \$45 million in annual personal income due to inundation caused by Missouri River dams; and

WHEREAS, the Garrison Diversion Unit Commission was established by an Act of Congress, Public Law 98-360, to review the contemporary water development needs of the State of North Dakota; and

WHEREAS, the Garrison Diversion Unit Commission, in its final report to the Secretary of the Interior and committees of the Congress of the United States, agreed with the Congress that a moral commitment was made in 1944 to the Upper Missouri Basin States and Indian Tribes with the passage of the Pick-Sloan Missouri Basin Program, and found that North Dakota sacrificed hundreds of thousands of acres of land, much of it prime river bottom land, for the greater benefit of the Nation; and

WHEREAS, the Garrison Diversion Unit Commission further found that the Federal Government promised but has not provided assistance to replace the economic base of the State and Indian Tribes; and

WHEREAS, at the recommendation of the Garrison Diversion Unit Commission, the Secretary of the Interior on May 10, 1985, established the Garrison Unit Joint Tribal Advisory Committee to examine the impact of the impoundment of waters under the Pick-Sloan Missouri Basin Program on the Fort Berthold and Standing Rock Indian Reservations; and

WHEREAS, the Garrison Unit Joint Tribal Advisory Committee held several hearings during which it was made aware of the accuracy of the observation of the Garrison Diversion Unit Commission that the tribes of the Fort Berthold and Standing Rock Indian Reservations bore an inordinate share of the cost of implementing the Pick-Sloan Missouri Basin Program mainstream reservoirs; and

WHEREAS, certain recommendations and findings of the Garrison Unit Joint Tribal Advisory Committee were incomplete insofar as the inequities borne by individual Indians of the Fort Berthold and Standing Rock Indian Reservations and further hearings and discussions by the Garrison Unit Advisory Committee are necessary to address the needs of reservation Indians; and

WHEREAS, the inundation of rich Missouri River bottom land by the Garrison and Oahe Reservoirs and project delays have resulted in agricultural, mineral, and forestry losses not only to tribal interests but nontribal interests as well;

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

That the Congress of the United States is urged to create a Garrison Unit Advisory Committee composed of citizens affected by the impoundment of Missouri River waters and representatives of grassroot non-Indian and Indian organizations to review the impact of the impoundment of waters under the Pick-Sloan Missouri River Basin program on the social and economic base of non-Indian and Indian people and entities; and

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

Filed March 28, 1989

## CHAPTER 820

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

### **CENTENNIAL INVITATION TO PRESIDENT**

A concurrent resolution inviting President Bush to visit North Dakota in recognition of the Centennial of the admittance of the states formally comprising the Dakota Territory.

WHEREAS, in 1989 the states of North Dakota, South Dakota, Montana, and Washington are celebrating their one hundredth year of statehood; and

WHEREAS, on July 4, 1889, constitutional convention delegates met at the State Capitol in Bismarck to write the Constitution governing the people of the State of North Dakota; and

WHEREAS, July 4, 1989, has been designated as Constitution Day and will be marked by events recognizing and observing the creation of the Constitution of North Dakota; and

WHEREAS, attendance at Constitution Day ceremonies by the President of the United States will provide an excellent opportunity for the citizens of North Dakota, as well as of other states, to become aware of the importance of constitutions as foundations of American government;

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

That President George Bush is invited to visit North Dakota and attend our Constitution Day ceremonies on July 4, 1989, on the State Capitol grounds in Bismarck, North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State provide an enrolled copy of this resolution to the North Dakota Centennial Commission for presentation to President George Bush, with copies to each member of the North Dakota Congressional Delegation.

Filed February 13, 1989

## CHAPTER 821

HOUSE CONCURRENT RESOLUTION NO. 3031  
(Representatives Mertens, L. Hanson, Haugen)  
(Senators Nething, Stromme, Yockim)

### ESSENTIAL AIR SERVICE PROGRAM

A concurrent resolution urging the Secretary of Transportation to refrain from adopting regulations to reduce essential air service levels or impede current service levels until the Congress of the United States has had the opportunity to review the department's actions and appropriate supplemental funding for the Essential Air Service program.

WHEREAS, in 1978, in response to airline deregulation, the Congress of the United States enacted the Essential Air Service program to ensure air service to isolated communities in rural America and, in 1987, Congress reaffirmed its strong commitment to these communities by enacting a 10-year extension and an intended enhancement of the program; and

WHEREAS, along with 150 other communities, the North Dakota cities of Devils Lake, Williston, and Jamestown have received air service from this program and for these communities this service is the lifeline to the national air transportation system; and

WHEREAS, the Department of Transportation has issued a Notice of Proposed Rulemaking, that if allowed to become effective, will drastically upset the program with disruption of service beginning March 1, 1989, for the cities of Devils Lake, Williston, and Jamestown, and many communities in other states; and

WHEREAS, the heartland of this country, in its struggle toward economic resurgence, requires the Essential Air Service program; and

WHEREAS, the fiscal year 1989 appropriations for the Essential Air Service program are deficient in support of 1988 service needs and lacking in support of the program at levels authorized by Congress;

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

That the Fifty-first Legislative Assembly urges the Secretary of Transportation to refrain from adopting regulations to reduce air service levels or impede current service levels until the Congress of the United States has had the opportunity to review the department's actions and appropriate supplemental funding for the Essential Air Service program for fiscal year 1989; and

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

Filed March 23, 1989

## CHAPTER 822

### HOUSE CONCURRENT RESOLUTION NO. 3032 (Kretschmar)

#### **DISTRICT COURT CLERK FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a county option for state funding of the clerk of district court.

WHEREAS, the state currently funds the Supreme Court and the district courts and their employees, except for the clerks of the district courts; and

WHEREAS, 1989 House Bill No. 1451 proposed a county option to transfer responsibility for funding the office of clerk of district court to the state; and

WHEREAS, the availability of such an option would provide a method of alleviating the cost to the counties of supporting district court level functions; and

WHEREAS, the feasibility and desirability of state funding of clerks of district court should be determined before a change is made;

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

That the Legislative Council study the feasibility and desirability of providing a county option for state funding of the clerk of district court; and

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

Filed March 30, 1989

## CHAPTER 823

HOUSE CONCURRENT RESOLUTION NO. 3033  
(Representatives Schneider, Kloubec)  
(Senators Heigaard, Olson)

### **JUDGES' COMPENSATION STUDY**

A concurrent resolution directing the Legislative Council to study and evaluate the adequacy of compensation to justices of the Supreme Court and judges of the district courts, legislators, and other elected state officials.

WHEREAS, it is important, as the needs of North Dakota grow more complex, that the state have well-qualified persons serving the state as judges, legislators, and other elected state officials; and

WHEREAS, the core issue in matters of compensation in state service is quality - the need for appropriate compensation to attract highly skilled and motivated persons who might otherwise forego public service for economic opportunities in the private sector; and

WHEREAS, inadequate compensation or dissatisfaction with compensation may be a contributing factor in the decisions or considerations of some elected state officials to leave state service;

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

That the Legislative Council study and evaluate the adequacy of compensation to justices of the Supreme Court and judges of the district courts, legislators, and other elected state officials; and

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

Filed March 23, 1989

## CHAPTER 824

HOUSE CONCURRENT RESOLUTION NO. 3034  
(Representative Timm)  
(Senator Hilken)

### FEDERAL FUEL TAX INCREASE REJECTION URGED

A concurrent resolution urging the National Economic Commission and Congress to reject any proposals to increase federal excise taxes on motor fuels.

WHEREAS, the National Economic Commission reportedly is considering a large increase in the federal motor fuel tax as a way to help reduce the nation's deficit; and

WHEREAS, motor fuel is already one of the most heavily taxed commodities consumers buy; and

WHEREAS, the federal deficit is everyone's problem, not just the country's highway users; and

WHEREAS, the nation's highway transportation system is largely the result of an effective state-federal partnership utilizing federal highway trust fund money paid by highway users; and

WHEREAS, with growing congestion, heavy replacement costs for bridges, and traffic growing at an annual rate of four percent, additional highway user taxes for nonhighway purposes could seriously hamper federal and state ability to meet highway needs; and

WHEREAS, in addition to being inflationary, a large added motor fuel tax for deficit reduction would cost thousands of jobs, reduce the gross national product, and reduce federal income tax revenues; and

WHEREAS, increasing the federal motor fuel tax for nonhighway purposes would seriously erode public support for the successful pay-as-you-go federal-state highway program; and

WHEREAS, such a tax increase would fall heaviest on the working poor; and

WHEREAS, such a tax burden is inequitable in distribution in that it would cost a North Dakota resident more than twice as much as a resident of the District of Columbia, and a Tennesseean more than one and one-half times as much as a resident of Hawaii; and

WHEREAS, for most people there are no practical alternatives to driving; and

WHEREAS, the public has little confidence, based on past actions, that Congress will effectively control spending;

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

That the Fifty-first Legislative Assembly opposes the imposition of any additional federal excise tax on motor fuels to help balance the federal budget and urges both the National Economic Commission and Congress to reject any such proposal; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the Secretary of the Department of Transportation, the chairman of the House Committee on Public Works and Transportation, the executive officer of the National Economic Commission, and to each member of the North Dakota Congressional Delegation.

Filed March 13, 1989

## CHAPTER 825

HOUSE CONCURRENT RESOLUTION NO. 3035  
(Aas, Shockman, Kolbo)

### PRIMARY ELECTION STUDY

A concurrent resolution directing the Legislative Council to study the primary election process.

WHEREAS, generally only 25 percent of the state's 400,000 eligible electors vote in the primary election; and

WHEREAS, the cost of holding the primary election has increased to approximately \$600,000 to \$700,000 per election; and

WHEREAS, candidates who are endorsed at the respective party's state convention usually run unopposed in the primary for the nomination; and

WHEREAS, the debate continues as to whether the primary should be held in June or September; and

WHEREAS, debate continues on the need for a primary and on alternative procedures for placing candidates' names on the ballot; and

WHEREAS, only one party participated in the most recent presidential preference primary, and the primary is held after the time when candidates have secured the number of delegates to assure a presidential nomination;

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

That the Legislative Council study the primary election process, with emphasis on developing recommendations for a mechanism for selecting nominees that is timely and cost-effective; and

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

Filed March 30, 1989

## CHAPTER 826

HOUSE CONCURRENT RESOLUTION NO. 3036  
(Representatives Murphy, R. Anderson, Goetz)  
(Senators D. Meyer, Waldera)

### LITTLE MISSOURI BAY FUNDING URGED

A concurrent resolution urging Congress to restore full funding of the Little Missouri Bay public recreation area to ensure its continued operation.

WHEREAS, the 1990 executive budget calls for the full or complete closure of eight recreation areas located on Lake Sakakawea, including a portion of the Little Missouri Bay public recreation area; and

WHEREAS, the recreation areas located on Lake Sakakawea are heavily used and greatly valued by those who depend upon the areas for recreational opportunities; and

WHEREAS, there is a critical shortage of recreational facilities on Lake Sakakawea; and

WHEREAS, the Little Missouri Bay public recreation area provides the closest and best access to Lake Sakakawea for the residents of southwestern North Dakota; and

WHEREAS, a recently constructed, federally funded, paved road would be rendered virtually useless if funding for the Little Missouri Bay public recreation area is reduced or discontinued;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to restore full funding of the Little Missouri Bay public recreation area to ensure its continued operation; and

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

Filed March 28, 1989

## CHAPTER 827

HOUSE CONCURRENT RESOLUTION NO. 3037  
(Representative Myrdal)  
(Senator Vosper)

### AGRICULTURAL EDUCATION STUDY

A concurrent resolution directing the Legislative Council to study the role of agricultural education in the public schools in this state.

WHEREAS, agriculture and agribusiness, which is North Dakota's number one industry, profoundly impacts new developing industries in this state; and

WHEREAS, all citizens of this state should possess an understanding of the food and fiber system including the current economic, social, and environmental significance of the system; and

WHEREAS, the education system in this state needs to change to ensure the future vitality of agriculture in this state; and

WHEREAS, the National Academy of Science recently completed a study on agricultural education in secondary schools entitled "Understanding Agriculture - New Directions for Education"; and

WHEREAS, the study identifies a list of principal findings and recommendations to enhance agricultural education in public schools; and

WHEREAS, the needs of the agricultural industry of this state should be addressed, in part, through agricultural education;

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

That the Legislative Council study agricultural education to determine what the role of agricultural education should be in the public schools in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a study of appropriate agricultural education curriculum content; whether a system should be developed to provide occupational agricultural education and agricultural literacy; how the principal findings and recommendations of the National Academy of Science on agricultural education could be implemented in secondary schools; the extent to which agricultural education programs in secondary schools should include supervised agricultural experience, laboratory experience, Future Farmers of America activities, and instruction for adults and young farmers; whether agricultural education programs should be provided for a twelve-month period; how the changing requirements for high school graduation and increasing course requirements for college admission influence the number and characteristics of students electing to enroll in vocational agriculture in high school; and the extent that existing programs, such as vocational agriculture, Future Farmers of America, 4-H, and Agriculture in the Classroom interact to meet the agricultural education needs of this state; and

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

## CHAPTER 828

HOUSE CONCURRENT RESOLUTION NO. 3041  
(Representatives Martin, O'Shea, Schatz)  
(Senator Richard)

### AMERICAN INDIAN AND ALASKA NATIVE YOUTH DAY

A concurrent resolution designating the fourth Wednesday of each September through the year 2000 to be American Indian and Alaska Native Youth Day and urging the communities of North Dakota to support and participate in appropriate activities.

WHEREAS, the United National Indian Tribal Youth organization has instituted a nationwide campaign to enlist all sectors of society in helping vulnerable youth achieve social and economic social sufficiency, and to fulfill their potential as viable, contributing members of American society; and

WHEREAS, the Congress of the United States has annually designated Native American Heritage Week as the last week of September each year; and

WHEREAS, Indian people of North Dakota, and our American Indian youth have annually celebrated that important week by developing awareness programs and by establishing goals for their tribe, their communities, their reservations, and the state; and

WHEREAS, the campaign for Youth 2000 has very important goals for American Indian and Alaska Native Youth nationwide that are supported by Indian people throughout the nation and that require support by all citizens in order to be accomplished. The goals include employment and economic self-sufficiency, improved literacy and education attainment, reduction in the incidence of teenage pregnancy, lifestyles free from substance abuse, and reduction of violent and accidental injuries and death; and

WHEREAS, the Indian youth of North Dakota have been suffering extremely high incidence of alcoholism and drug abuse, suicide, teenage pregnancy, and dropping out of high school, with such incidence being oftentimes twice as high as the national average; and

WHEREAS, the four Indian reservations in North Dakota and off reservation Indian groups have been working to motivate our Indian youth to believe in themselves, make the most of their potential, value a healthy mind and body, and become self-sufficient, productive members of their communities and of their state;

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

That the Fifty-first Legislative Assembly recognizes and supports the American Indian youth of North Dakota and the UNITY program in achieving their goals and designates the fourth Wednesday of each year through the year 2000 to be American Indian and Alaska Native Youth Day and urges North Dakota communities to support and participate in appropriate activities.

Filed March 23, 1989

## CHAPTER 829

HOUSE CONCURRENT RESOLUTION NO. 3042  
(Hoffner, Solberg, Payne, Oban)

### **MOTORCYCLE SAFETY AND AWARENESS MONTH**

A concurrent resolution urging the Governor to designate May 1989 as Motorcycle Safety and Awareness Month.

WHEREAS, motorcycles are an important means of transportation and a source of recreation; and

WHEREAS, it is important for motorcyclists to develop sound riding skills and safety habits and it is important for all motorists to be aware of the vulnerability of motorcyclists to unsafe drivers; and

WHEREAS, educational programs promoting motorcycle safety deserve special recognition; and

WHEREAS, in the month of May there is an annual renewal of motorcycling enthusiasm;

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

That the Fifty-first Legislative Assembly urges the Governor to designate May 1989 as Motorcycle Safety and Awareness Month and to call upon all government agencies and the people of this state to observe the month with appropriate programs, ceremonies, and activities; and

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

Filed March 23, 1989

## CHAPTER 830

HOUSE CONCURRENT RESOLUTION NO. 3043  
(A. Olson, Urlacher, O. Hanson, Hoffner)

### ATMOSPHERIC RESOURCE PROGRAM STUDY

A concurrent resolution directing the Legislative Council to study the North Dakota Atmospheric Resource Management Program.

WHEREAS, the North Dakota Atmospheric Resource Board is currently operating a weather modification program in six counties in North Dakota; and

WHEREAS, North Dakota has the longest running summer modification program of any state in the United States; and

WHEREAS, North Dakota has established itself as a national, international, and world leader in the areas of weather modification, rainfall enhancement, and hail suppression, providing assistance to other states in the United States and to countries throughout the world; and

WHEREAS, crop hail damage in those counties with an ongoing operation have decreased by over forty percent, and research and operation analysis has clearly established that management of atmospheric resources can provide effective results and benefits, both in the areas of rainfall enhancement and hail suppression; and

WHEREAS, the North Dakota Thunderstorm Project is a national research program that will be conducted by the North Dakota Atmospheric Resource Board in cooperation with the National Oceanic and Atmospheric Administration and a variety of other organizations and universities, during the summer of 1989 in North Dakota, and will provide millions of dollars of direct benefits and additional millions of dollars of indirect benefits to the North Dakota economy; and

WHEREAS, technology has advanced significantly over the past few years and has provided new opportunities for management of atmospheric resources; and

WHEREAS, the North Dakota Atmospheric Resource Management Program should be the subject of a comprehensive study for the purpose of reviewing its effectiveness, the results, the opportunity for economic development and enhancement, and whether the Atmospheric Resource Management Program should be continued, modified, or established as a statewide program;

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

That the Legislative Council study the state's Atmospheric Resource Management Program; and

BE IT FURTHER RESOLVED, that in conjunction with the study the Legislative Council review the economic impact of the Atmospheric Resource Management Program; and

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

Filed March 23, 1989

## CHAPTER 831

HOUSE CONCURRENT RESOLUTION NO. 3044  
(Nowatzki, Nicholas)

### **FEDERAL AGENCIES URGED TO PARTICIPATE IN CENTENNIAL TREE PROGRAM**

A concurrent resolution urging federal agencies owning real property in North Dakota to participate in the North Dakota Centennial 100,000,000 Tree Project.

WHEREAS, trees have many environmental benefits and provide habitat for wildlife; and

WHEREAS, less than one percent of the land area of North Dakota consists of forests; and

WHEREAS, trees provide natural beauty and diversification to the North Dakota landscape; and

WHEREAS, public lands provide a unique opportunity to increase wildlife production and foster additional recreational activities; and

WHEREAS, selected trees and shrubs provide the type of cover and food sources that many wildlife species prefer; and

WHEREAS, planned tree planting can provide winter protection during months of inclement weather; and

WHEREAS, many public lands are open to the general public and tree planting would enhance the desirability of the use of these areas; and

WHEREAS, tree planting enhances the shorelines of lakes for recreational uses; and

WHEREAS, the cooperation of federal agencies with the North Dakota Centennial 100,000,000 Tree Project offers the possibility of achieving large block acreages of tree plantings to replace older timber culture plantings made in the early 1900's; and

WHEREAS, many federal agencies have long-established tree planting programs and have increased their emphasis on tree planting during the observance of the Centennial of North Dakota;

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

That the Fifty-first Legislative Assembly urges federal agencies owning real property in North Dakota to participate in the North Dakota Centennial 100,000,000 Tree Project during the next decade; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the United States Forest Service, the United States Bureau of Land Management, and the United States Bureau of Reclamation.

## CHAPTER 832

HOUSE CONCURRENT RESOLUTION NO. 3045  
(Representatives Oban, Myrdal, B. Anderson)  
(Senators J. Meyer, Peterson, Waldera)

### YEAR OF THE YOUNG READER

A concurrent resolution urging the Governor of North Dakota to join with the President of the United States to declare 1989 as the Year of the Young Reader.

WHEREAS, books and reading are the basic nourishment of a growing mind and the foundation of a child's future education and enrichment; and

WHEREAS, developing children into readers today is the best way of ensuring a literate and informed citizenry tomorrow; and

WHEREAS, the Book Industry Study Group and others have reported a decline in book reading among young people in recent years; and

WHEREAS, since 1983 the National Commission on Excellence, the Commission on Reading, and the Librarian of Congress have urged this nation to give renewed attention to encouraging a love of books and reading among our young people; and

WHEREAS, the Legislative Assembly recognizes the efforts made by First Lady Barbara Bush in the area of literacy and in encouraging young children to read;

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

That the Fifty-first Legislative Assembly urges the Governor of North Dakota to join with the President of the United States to declare 1989 as the Year of the Young Reader and to issue a proclamation to encourage parents, educators, librarians, government officials, members of the book community, corporations, associations, and the people of the state to observe the Year of the Young Reader with appropriate programs, ceremonies, and activities aimed at giving our children and young adults the gift, the joy, and the promise of reading; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to the Governor.

Filed April 5, 1989

## CHAPTER 833

HOUSE CONCURRENT RESOLUTION NO. 3048  
(Representatives Graba, Hoffner)  
(Senator Schoenwald)

### **BOILER OPERATOR LICENSING STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring boiler operators to be licensed.

WHEREAS, North Dakota does not require a person to be licensed to operate boilers; and

WHEREAS, adequately trained and qualified boiler operators are necessary for the safe and efficient operation and maintenance of boilers; and

WHEREAS, the Fiftieth Legislative Assembly considered but did not adopt House Bill No. 1440, which would have required operators of boilers to be licensed; and

WHEREAS, unqualified and untrained boiler operators are an increased liability risk;

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

That the Legislative Council study the feasibility and desirability of requiring boiler operators to be licensed; and

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

Filed March 28, 1989

## CHAPTER 834

HOUSE CONCURRENT RESOLUTION NO. 3049  
(Representatives V. Thompson, Vander Vorst)  
(Senators Langley, W. Meyer)

### **BANK OF NORTH DAKOTA LOAN PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the various agricultural loan programs administered by the Bank of North Dakota.

WHEREAS, there are a number of agricultural loan programs administered by the Bank of North Dakota; and

WHEREAS, those programs include the farm operating loan program under North Dakota Century Code Chapter 6-09.9, the beginning farmer loan guarantee program under Chapter 6-09.8, the family farm loan program under Chapter 6-09.11, the beginning farmer loan program under Section 6-09-15.5, and the issuance of tax-exempt industrial revenue bonds (agribonds) to provide farm loans at low market interest rates under Chapter 4-36; and

WHEREAS, each of these loan programs has varying qualifying requirements, borrowing limitations, proceed use restrictions, and repayment and interest rate terms; and

WHEREAS, some of the programs authorize the Bank to purchase participation interests in loans made by local lenders; and

WHEREAS, confusion on the part of local lenders caused by the number of programs and the variety of terms and conditions of each discourages some lenders from participating in the programs;

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

That the Legislative Council study the feasibility and desirability of consolidating the various agricultural loan programs administered by the Bank of North Dakota; and

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

Filed March 30, 1989

## CHAPTER 835

HOUSE CONCURRENT RESOLUTION NO. 3050  
(Representatives D. Larson, Sorensen, Timm)  
(Senators Todd, Olson, Nalewaja)

### GOVERNMENTAL FEES STUDY

A concurrent resolution directing the Legislative Council to study the fees charged by agencies, boards, commissions, departments, and other instrumentalities of the state and its political subdivisions.

WHEREAS, state law allows agencies, boards, commissions, departments, and other instrumentalities of the state and its political subdivisions to charge fees for licensing or providing services; and

WHEREAS, the fees charged have been set through piecemeal legislative action or by determination of the various agencies, boards, commissions, departments, or other instrumentalities; and

WHEREAS, much of the revenue generated through those fees is retained by the various agencies, boards, commissions, departments, or instrumentalities and not deposited in the general fund in the state treasury; and

WHEREAS, bills being considered by the Fifty-first Legislative Assembly provide for over \$12 million in fee increases;

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

That the Legislative Council study the fees charged by agencies, boards, commissions, departments, and other instrumentalities of the state and its political subdivisions; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a review of the purposes of the fees; the desirability and adequacy of the fees; whether existing state law provides a means of accounting for the fees; whether special funds are necessary for the fees collected; whether the fees should be deposited in the general fund or special funds; and whether the revenue raised from fees should be appropriated as revolving or continuing appropriations; and

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

Filed March 23, 1989

## CHAPTER 836

### HOUSE CONCURRENT RESOLUTION NO. 3052 (R. Berg, Gorman)

#### **BOARD AND COMMISSION REVIEW STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of periodically and systematically reviewing all statutorily created boards, commissions, committees, and councils to determine the necessity of those bodies.

WHEREAS, there is a proliferation of statutorily created boards, commissions, committees, and councils with varying composition and authority; and

WHEREAS, the duties and responsibilities of the various boards, commissions, committees, and councils range from advisory to regulatory; and

WHEREAS, it is in the public interest to conduct periodic reviews of the necessity of, and the benefits derived from, the various statutorily created boards, commissions, committees, and councils; and

WHEREAS, "sunset" laws are used by some states to ensure the periodic and systematic legislative review of various statutorily created entities;

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

That the Legislative Council study the feasibility and desirability of periodically and systematically reviewing all statutorily created boards, commissions, committees, and councils to determine the necessity of those bodies; and

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

Filed March 23, 1989

## CHAPTER 837

HOUSE CONCURRENT RESOLUTION NO. 3053  
(Nicholas)

### MALTING BARLEY GRADING STUDY

A concurrent resolution directing the Legislative Council to study the problems associated with the grading and purchasing of barley for malting purposes.

WHEREAS, the malting and brewing industry generally uses the United States Federal Grain Inspection Service grading factors in purchasing barley for malting purposes; and

WHEREAS, an inspection by an elevator operator based on federal grain inspection standards which indicates that the barley is a suitable type for malting purposes may be rejected by the malting and brewing industry based on nongrading factors such as protein content, germination, and varietal purity; and

WHEREAS, an elevator operator that pays producers based on the operator's determination that the barley is of the type suitable for malting may lose money if the malting industry determines, based on its own inspection, that the barley is not suitable for malting; and

WHEREAS, this cost to the elevator is ultimately passed on to the producer;

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

That the Legislative Council study the problems associated with the grading and purchasing of barley for malting purposes; and

BE IT FURTHER RESOLVED, that the Legislative Council obtain information regarding such problems from the North Dakota Barley Council, the North Dakota Grain Dealers Association, the North Dakota Farm Bureau, the North Dakota Farmers Union, and other interested parties; and

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

Filed March 23, 1989

## CHAPTER 838

HOUSE CONCURRENT RESOLUTION NO. 3055  
(Representatives Wald, Kloubec, Schneider)  
(Senators Maixner, Olson)

### MEDICAID ADMINISTRATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the state contracting with a fiscal intermediary for administration of the Medicaid program.

WHEREAS, the state of North Dakota currently spends significant funds relating to the administration and auditing of Medicaid payments; and

WHEREAS, a number of states have selected the option of using a fiscal intermediary to handle program eligibility determinations and payments for the Medicaid program; and

WHEREAS, the use of a fiscal intermediary for the Medicaid program could result in a cost savings for the state of North Dakota; and

WHEREAS, the state needs to explore all options for cost savings and efficiencies due to limited state resources;

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

That the Legislative Council study the feasibility and desirability of the state contracting with a fiscal intermediary to provide Medicaid eligibility determinations and program payments; and

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

Filed March 28, 1989

## CHAPTER 839

HOUSE CONCURRENT RESOLUTION NO. 3056  
(Representatives Mertens, Kloubec, Schneider)  
(Senators Olson, Heigaard)

### **LIMIT FEDERAL TAX ON STATE AND LOCAL BONDS**

A concurrent resolution urging Congress to pass and present to the states for ratification a constitutional amendment limiting federal taxation of state and local obligations.

WHEREAS, recent action of the United States Supreme Court has removed the presumed protection of state and local bonds from federal taxation; and

WHEREAS, increased financial responsibilities placed on state and local governments by federal legislation makes state and local borrowing a virtual necessity; and

WHEREAS, subjecting income from state and local debt to federal income taxes will increase the cost of state and local borrowing; and

WHEREAS, increased cost of borrowing for state and local governments does a substantial disservice to state and local governments and their taxpayers which could be avoided by providing for federal income tax exemption of interest on state and local obligations; and

WHEREAS, the United States Senate is considering Joint Resolution 28, which would establish the constitutional status of state and local obligations as exempt from federal taxation;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to approve Senate Joint Resolution 28 or a similar legislative proposal for a constitutional amendment limiting federal taxation of state and local obligations and present the constitutional amendment to the states for ratification; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to United States Senator William Roth, sponsor of Senate Joint Resolution 28, and to each member of the North Dakota Congressional Delegation.

Filed April 7, 1989

## CHAPTER 840

HOUSE CONCURRENT RESOLUTION NO. 3057  
(Marks, Wentz, Skjerven)

### FARM PRODUCT FINANCING STUDY

A concurrent resolution directing the Legislative Council to study the laws relating to state and local filing of liens, security interests, financing statements, and continuation statements relating to farm products.

WHEREAS, a person with a lien or security interest in a farm product must file notice of the lien or security interest with the Secretary of State to protect the person's interest in the farm product from purchasers of the product; and

WHEREAS, a person with a lien or security interest in a farm product is also required to file notice of the lien or security interest with a county register of deeds to perfect the persons' interest against nonpurchasers claiming an interest in the product; and

WHEREAS, this double filing is a burden on farmers and on lienholders and secured parties; and

WHEREAS, many farmers are not notified by lienholders or security interest holders that the farmers can demand that a release of a repaid debt be filed with the Secretary of State; and

WHEREAS, whenever a release is not filed, any check issued will be issued jointly to the farmer and a secured party or lienholder listed on the central filing list, even though the farmer may have repaid the farmer's debt to that secured party or lienholder; and

WHEREAS, many federal agricultural lending agencies delay making agriculture loans until they have checked the central filing system list prepared by the Secretary of State;

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

That the Legislative Council study the laws relating to state and local filing of liens, security interests, financing statements, and continuation statements relating to farm products; and

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

Filed March 23, 1989

## CHAPTER 841

HOUSE CONCURRENT RESOLUTION NO. 3058  
(Representatives Oban, Kretschmar, Hoffner)  
(Senators Heinrich, Holmberg, Maixner)

### CHARITABLE GAMING STUDY

A concurrent resolution directing the Legislative Council to study the uses to which the proceeds of charitable gaming are devoted and the laws governing charitable gaming.

WHEREAS, Article XI, Section 25, of the Constitution of North Dakota was amended by the voters in 1976 to allow games of chance to be conducted by certain nonprofit organizations if the entire net proceeds of the games are devoted to educational, patriotic, fraternal, religious, or other public-spirited uses; and

WHEREAS, games of chance have been conducted under this authority for more than 11 years; and

WHEREAS, no detailed review has been conducted of actual uses to which proceeds of games of chance are being devoted and a Legislative Council study of the status and impact of charitable gaming has not been conducted since the 1985-86 interim and since that interim substantial changes have been made in the laws governing charitable gaming; and

WHEREAS, it is a legislative responsibility to ascertain whether the uses to which proceeds of charitable gaming are devoted is consistent with the intent of the electors in adopting the constitutional provision allowing charitable gaming and to determine whether the laws in place adequately govern the conduct of charitable gaming;

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

That the Legislative Council study the uses to which the proceeds of charitable gaming are devoted and the laws governing charitable gaming, with emphasis on charitable gaming laws enacted since 1987; and

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

Filed April 6, 1989

## CHAPTER 842

HOUSE CONCURRENT RESOLUTION NO. 3059  
(Representatives Wentz, Rydell)  
(Senators J. Meyer, Stenehjem)

### UNINSURED HEALTH CARE STUDY

A concurrent resolution directing the Legislative Council to study the health care insurance needs of uninsured and underinsured persons.

WHEREAS, approximately 37 million Americans are either uninsured or underinsured with respect to their health care needs; and

WHEREAS, an estimated 70 percent of those persons live in households with at least one employed person; and

WHEREAS, the largest segment of the uninsured and underinsured population is children; and

WHEREAS, the percentage of uninsured or underinsured persons who live below the federal poverty level is increasing, in part, because states have been unable to adjust financial eligibility guidelines; and

WHEREAS, other states have adopted various approaches to ensuring the availability of adequate health care insurance coverage for uninsured and underinsured persons; and

WHEREAS, methods of meeting health care needs of uninsured and underinsured persons may require the cooperative efforts of health care providers, third-party payors, employers, and state and local governments;

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

That the Legislative Council study the health care insurance needs of uninsured and underinsured persons, including a review of the legislative approaches considered by other states, and methods of meeting these needs through alternatives including cooperative efforts involving health care providers, third-party payors, employers, and state and local governments; and

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

Filed March 30, 1989

## CHAPTER 843

HOUSE CONCURRENT RESOLUTION NO. 3060  
(Representative Goetz)  
(Senator Satrom)

### **TFFR BENEFITS STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing level retirement benefits to all retirees under the Teachers' Fund for Retirement.

WHEREAS, the Teachers' Fund for Retirement utilizes a variety of retirement benefit formulas that provide different levels of benefits for fund members; and

WHEREAS, over 50 percent of the persons receiving retirement benefits under the Teachers' Fund for Retirement receive retirement benefits based on benefit formulas created under the former Teachers' Insurance and Retirement Fund, the obligations of which were assumed by the Teachers' Fund for Retirement in 1971; and

WHEREAS, most retirees receiving benefits based on benefit formulas created under the former Teachers' Insurance and Retirement Fund do not receive Social Security benefits and receive an inadequate level of retirement benefits; and

WHEREAS, although recent retirement benefit increases for retirees under the Teachers' Fund for Retirement have been beneficial, those benefit increases were not sufficient to provide retirees a standard of living commensurate with service they provided to the state;

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

That the Legislative Council study the feasibility and desirability of providing level retirement benefits to all retirees under the Teachers' Fund for Retirement; and

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

Filed March 30, 1989

## CHAPTER 844

HOUSE CONCURRENT RESOLUTION NO. 3062  
(Mertens, Kelly)

### STATE AGENCY PROFESSIONAL FEES STUDY

A concurrent resolution directing the Legislative Council to study the payment of occupational or professional licensing fees by state agencies and institutions.

WHEREAS, most state agencies and institutions pay the fees for the issuance of occupational or professional licenses required to be held by their employees; and

WHEREAS, proposed legislation considered by the 1987 and 1989 Legislative Assemblies would have prohibited state agencies and institutions from paying occupational or professional licensing fees on behalf of their employees; and

WHEREAS, there may be a lack of uniformity among state agencies and institutions with respect to paying the fees for the issuance of occupational or professional licenses required to be held by their employees; and

WHEREAS, compensating employees in lieu of paying occupational or professional license fees would affect state agency pay practices, Social Security taxes, and retirement contributions and benefits; and

WHEREAS, an alternative to prohibiting state agencies and institutions from paying occupational or professional licensing or registration fees is to exempt state employees from the payment of occupational or professional licensing fees;

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

That the Legislative Council study the payment of occupational or professional licensing fees by state agencies and institutions; and

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

Filed March 23, 1989

## CHAPTER 845

HOUSE CONCURRENT RESOLUTION NO. 3063  
(Kingsbury, Peterson)

### STATE MOTOR VEHICLE SYSTEM STUDY

A concurrent resolution directing the Legislative Council to study the cost effectiveness of maintaining a central management system for state motor vehicles.

WHEREAS, a central vehicle management system within the State Highway Department was created in 1983 to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state; and

WHEREAS, each state agency, institution, department, board, bureau, and commission unless exempted by statute or by the State Highway Commissioner must use this system; and

WHEREAS, the cost of state employee travel is rising;

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

That the Legislative Council study the cost effectiveness of maintaining a central vehicle management system for state motor vehicles and determine whether an alternate system for state employee travel may be more cost effective; and

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

Filed March 23, 1989

## CHAPTER 846

HOUSE CONCURRENT RESOLUTION NO. 3064  
(Representatives Oban, Lindgren, Scherber)  
(Senators Keller, Lips, Schoenwald)

### TELECOMMUNICATION DEREGULATION STUDY

A concurrent resolution directing the Legislative Council to study the advantages and disadvantages of deregulating telecommunications.

WHEREAS, the first phase of telephone deregulation culminating in the 1984 Bell System breakup ended most regulation of long distance rates and equipment prices, but left most local rates and services under the control of state utility commissions; and

WHEREAS, at least 15 states have approved local telephone deregulation in various forms; and

WHEREAS, some states, such as Nebraska, have enacted legislation totally deregulating local telephone services for home and business; and

WHEREAS, during the 1989 legislative session a number of bills were introduced proposing significant regulatory reforms to the telephone industry in this state; and

WHEREAS, deregulation of telecommunications could provide an incentive for the industry to provide new services, result in competitive pricing services, attract new telecommunications industries to this state, and encourage technological innovations; and

WHEREAS, the competitive benefits of deregulation might not be experienced by all classes of ratepayers, especially those in rural areas; and

WHEREAS, deregulation of the telephone industry is complex, and it is important that the Legislative Assembly formulate an overall policy before dealing with specific issues;

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

That the Legislative Council study the advantages and disadvantages of deregulating telecommunications; and

BE IT FURTHER RESOLVED, that the Legislative Council, as part of this study, review the operation and effect of any legislation enacted during the 1989 session relating to telecommunications regulatory reforms; and

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

Filed March 28, 1989

## CHAPTER 847

HOUSE CONCURRENT RESOLUTION NO. 3065  
(Jensen, Sorensen, Wald)

### STATE FACILITIES SPACE STUDY

A concurrent resolution directing the Legislative Council to study the cost and utilization of office space and other facilities leased by state agencies and institutions.

WHEREAS, 12 state agencies with facilities in Bismarck alone lease 78,064 square feet of office space and other facilities; and

WHEREAS, the cost of leasing this space for the 1987-89 biennium is \$1,324,244 or approximately 71 cents per square foot per month; and

WHEREAS, human services centers lease a substantial amount of space throughout the state; and

WHEREAS, leasing costs are rising due to increasing space needs and escalation clauses contained within leases; and

WHEREAS, the square footage of leased space may not be appropriate for its intended use or the cost may be higher than other space available on the market;

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

That the Legislative Council study the cost and utilization of office space and other facilities leased by state agencies and determine whether changes are necessary to reduce costs and improve utilization; and

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

Filed March 28, 1989

## CHAPTER 848

HOUSE CONCURRENT RESOLUTION NO. 3066  
(Shockman, V. Thompson, Brokaw, O'Shea, Kingsbury)

### AGRICULTURAL PRODUCTS STUDY

A concurrent resolution directing the Legislative Council, in cooperation with the members of the North Dakota Congressional Delegation, to study the adverse economic impact that changing conditions in marketing, processing, and retailing of agricultural products are having on producers of agricultural products and consumers.

WHEREAS, the production of agricultural products is the largest and most important industry in this state; and

WHEREAS, agricultural producers produce renewable wealth or primary energy, which is the food that we need for life; and

WHEREAS, the agricultural industry creates the wealth that fuels our rural economy and in turn filters up through the rest of our national economy to keep it healthy and strong; and

WHEREAS, the present system of marketing, processing, and distributing food in this state and in the United States is drastically changing as a result of the consolidations, buyouts, and mergers of numerous food conglomerates; and

WHEREAS, the Chicago futures pits are the target of a major federal investigation that has accumulated evidence of widespread questionable trading practices that may have an adverse impact on agricultural producers; and

WHEREAS, agricultural market forecasts, projections, and other sources of information have a profound effect on farm commodity marketing, commodity prices, and crop planting decisions;

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

That the Legislative Council, in cooperation with the members of the North Dakota Congressional Delegation, study the adverse economic impact that changing conditions in marketing, processing, and retailing agricultural products are having on producers of agricultural products and consumers; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a review of the various sources and accuracy of market information disseminated to agricultural producers; and

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

Filed March 28, 1989

## CHAPTER 849

HOUSE CONCURRENT RESOLUTION NO. 3067  
(Representatives Wald, Mertens)  
(Senator Tallackson)

### INSURANCE COMMISSIONER ACTUARY STUDY

A concurrent resolution directing the Legislative Council to study whether the Commissioner of Insurance should employ a property and casualty actuary.

WHEREAS, the Commissioner of Insurance regulates the insurance industry to protect the interests of insureds and to ensure the integrity of insurers; and

WHEREAS, the federal Liability Risk Retention Act exempts certain casualty insurers from state regulation; and

WHEREAS, the extent to which this state may regulate these insurers is unclear because of the lack of clarity of federal law and the lack of applicable case law; and

WHEREAS, the Commissioner of Insurance does not employ an actuary to review property and casualty insurers' rates and supporting financial data for their appropriateness;

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

That the Legislative Council study whether the Commissioner of Insurance should employ a property and casualty actuary; and

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

Filed March 31, 1989

## CHAPTER 850

HOUSE CONCURRENT RESOLUTION NO. 3068  
(Hoffner, D. Larson)

### CONTROLLED SUBSTANCE DIVERSION STUDY

A concurrent resolution directing the Legislative Council to study the nature, scope, and effect of efforts to prohibit the illicit diversion or use of controlled substances in this state.

WHEREAS, illicit use of controlled substances in this state is evidenced by the increasing availability of cocaine and by the increasing numbers of arrests and property seizures for violations of the controlled substances laws; and

WHEREAS, methods to combat illicit diversion or use of controlled substances include education, law enforcement, treatment, and public awareness and these methods are employed at many levels by such diverse agencies and entities as the Attorney General, Superintendent of Public Instruction, Department of Human Services, Department of Health and Consolidated Laboratories, state and local law enforcement agencies, and the courts; and

WHEREAS, current methods and efforts may not be adequate to deter the illicit diversion or use of controlled substances; and

WHEREAS, the principles motivating these diverse methods and efforts should be clearly articulated and the efforts implemented in a focused and coordinated manner;

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

That the Legislative Council study the nature, scope, and effect of efforts to prohibit the illicit diversion or use of controlled substances in this state; and

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

Filed March 23, 1989

## CHAPTER 851

HOUSE CONCURRENT RESOLUTION NO. 3069  
(Representatives Oban, Gates, Ulmer)  
(Senators O'Connell, Nalewaja)

### **SPECIAL EDUCATION DELIVERY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting an alternative method of delivery of special education and related services to developmentally disabled students in this state.

WHEREAS, one of the mandates of Public Law 94-142 is that education must occur in the least restrictive environment, which requires students with handicapping conditions to be educated to the maximum extent appropriate, with nonhandicapped students; and

WHEREAS, the delivery of special education and related services to developmentally disabled students in the past has primarily resulted in education systems that segregate those students from nonhandicapped students; and

WHEREAS, under current trends in the delivery of special education, integration has taken on a new meaning resulting in the inclusion of developmentally disabled students with nonhandicapped students in the same classrooms; and

WHEREAS, there are currently programs in school districts in this state that are integrating developmentally disabled students by placing them in the same classrooms as nonhandicapped students; and

WHEREAS, under these programs, students that formerly would have been placed in a self-contained classroom are attending regular classes with nonhandicapped students; and

WHEREAS, teachers in these programs have reported that the developmentally disabled students attending the regular classrooms appear more attentive, verbal, and happier; and

WHEREAS, the integration of students with handicapping conditions into regular classrooms may be a more efficient way to serve children with low incidence handicaps in rural areas; and

WHEREAS, such integration may be a beneficial way to deliver the social skills curriculum needed by many students with handicaps; and

WHEREAS, such integration also presents a challenging and rewarding learning experience for nonhandicapped students; and

WHEREAS, many other successful models of community integration currently exist across the country and could be implemented in this state;

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

That the Legislative Council study the feasibility and desirability of adopting an alternative method of delivering special education and related services to handicapped students in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a study of the impact of adopting an alternative method of special education delivery on both the state and local school districts, including the implications with regard to funding and staffing; and

BE IT FURTHER RESOLVED, that the Legislative Council also include in this study a study of the role of the state and local school districts with regard to providing services in the least restrictive environment; and

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

Filed March 30, 1989

## CHAPTER 852

HOUSE CONCURRENT RESOLUTION NO. 3070  
(Oban, Soukup)

### OPEN BOTTLE LAW STUDY

A concurrent resolution directing the Legislative Council to study the operation and effect of the state's open bottle law.

WHEREAS, the state's open bottle law, North Dakota Century Code section 39-08-18, prohibits the consumption or possession of open containers of alcoholic beverages while in a motor vehicle and penalizes not only those who consume or possess the beverages but also the owner or operator who allows an open container of alcoholic beverages to be kept in the motor vehicle; and

WHEREAS, this broad liability threatens the viability of such efforts as designated driver programs by penalizing the nondrinking, nonpossessing operator for the actions of others in the motor vehicle; and

WHEREAS, House Bill No. 1654 was introduced in the 1989 Legislative Assembly to address these concerns; and

WHEREAS, the open bottle law should be reviewed to determine if a more narrowly tailored law would address the situations contemplated under the present law without jeopardizing such efforts as designated driver programs;

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

That the Legislative Council study the operation and effect of the state's open bottle law; and

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

Filed March 23, 1989

## CHAPTER 853

HOUSE CONCURRENT RESOLUTION NO. 3071  
(Kloubec)

### **MOTOR VEHICLE DEALER LICENSING STUDY**

A concurrent resolution directing the Legislative Council to study the adequacy and enforcement of motor vehicle dealer licensing laws.

WHEREAS, state law establishes certain requirements and responsibilities relating to motor vehicle dealers, including maintaining adequate business, repair, and service facilities; proper signing; public telephone listings; and the collection of excise tax, license, and title fees; and

WHEREAS, numerous used motor vehicle dealers fail to comply with some or all of these requirements and thereby gain an unfair competitive advantage over other dealers; and

WHEREAS, there may be insufficient staff and funding for the Motor Vehicle Department to ensure efficient and increased enforcement of dealer licensing laws; and

WHEREAS, the adequacy of current motor vehicle dealer licensing laws, particularly as they apply to used motor vehicle dealers and vehicle leasing operations, and the method and effect of present enforcement efforts should be reviewed to ensure that the laws serve their intended purpose, all dealers comply with the laws, and consumers are protected against inferior products or fraudulent practices;

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

That the Legislative Council study the adequacy and enforcement of motor vehicle dealer licensing laws; and

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

Filed April 11, 1989

## CHAPTER 854

HOUSE CONCURRENT RESOLUTION NO. 3073  
(Representative W. Williams)  
(Senators Maxson, Olson)

### **PRESCRIPTION DRUG REPORTING STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a prescription drug reporting center.

WHEREAS, prescription drug abuse is an often ignored but increasing form of chemical addiction and abuse; and

WHEREAS, a prescription drug reporting center could act as a depository for information relating to all prescriptions issued, including the date of issue, the type of drug issued, whether the prescription is refillable or nonrefillable, and the prescribing physician; and

WHEREAS, such a central depository of information would be a valuable asset in identifying those who are abusing prescription drugs so that they may be referred to appropriate care facilities;

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

That the Legislative Council study the feasibility and desirability of establishing a prescription drug center for the reporting of controlled substances abuse, including reporting procedures by pharmacies, identification of the entities that would have access to reported information for followup and investigation, location of the center, and estimated costs of implementation and potential sources of funding; and

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

Filed March 28, 1989

## CHAPTER 855

HOUSE CONCURRENT RESOLUTION NO. 3074  
(Representatives G. Berg, Brokaw, Kingsbury)  
(Senators Dotzenrod, Thane, Nelson)

### TYPE I WETLANDS STUDY

A concurrent resolution directing the Legislative Council to study Type I wetlands.

WHEREAS, Type I wetlands are seasonally flooded basins or flats and the soil of Type I wetlands is covered with water or is waterlogged during variable seasonable periods but is usually well-drained during much of the growing season; and

WHEREAS, Type I wetlands are generally found on land that has been used for farming rather than on unbroken land or rangeland; and

WHEREAS, under the swampbuster provisions of the Food Security Act of 1985, farmers who use Type I wetlands for agricultural purposes are ineligible to receive benefits from or participate in any federal program including price supports, crop insurance, or disaster payments; and

WHEREAS, it may be necessary to monitor Type I wetlands placed in the conservation reserve program under 10-year contracts to determine whether the wetlands disappear when this land is no longer farmed;

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

That the Legislative Council study Type I wetlands in this state, including whether or not Type I wetlands that are created as a result of farming should not be included in the swampbuster provisions of the Food Security Act of 1985; and

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

Filed March 28, 1989

## CHAPTER 856

HOUSE CONCURRENT RESOLUTION NO. 3076  
(Committee on Appropriations)

### MOTORBOAT FEES STUDY

A concurrent resolution directing the Legislative Council to study motorboat license fees and the use and allocation of the game and fish operating fund's interest income.

WHEREAS, license fees are charged against all motorboats in the state; and

WHEREAS, the amount of the license fee is based upon the size of the boat and not the value of the boat; and

WHEREAS, the amount collected from motorboat license fees was \$399,877 for the 1985-87 biennium; and

WHEREAS, revenue from license fees is in part used for providing matching funds for construction and installation of boat launching facilities; and

WHEREAS, there is a need for additional boating facilities due to the increasing popularity of boating and the effects of the recent drought; and

WHEREAS, a portion of the game and fish operating fund's interest income is from motorboat license fees; and

WHEREAS, all of the game and fish operating fund's interest income is deposited in the deer depredation fund;

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

That the Legislative Council study the appropriateness of the amount and the current basis for the determination of motorboat license fees and the use and allocation of the game and fish operating fund's interest income; and

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

Filed April 6, 1989

## CHAPTER 857

HOUSE CONCURRENT RESOLUTION NO. 3078  
(Hoffner)

### ECONOMIC DEVELOPMENT STUDY

A concurrent resolution directing the Legislative Council to study economic development efforts in 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

WHEREAS, although historically the state's population was predominantly rural and the majority of the state's employees were engaged in agricultural-related industries, a steady migration of persons to urban areas in the state now requires a diversified economy; and

WHEREAS, because it is estimated that the state will lose 48,000 jobs by the year 2000, it is important that public and private efforts in economic development be directed in a coordinated and cooperative manner, and that the Legislative Assembly offer its full support and cooperation in those efforts;

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

That the Legislative Council study the economic development efforts in this state; and

BE IT FURTHER RESOLVED, that the Legislative Council include in this study a review of the study and findings of the Committee of 100 and the North Dakota 2000 Committee, the activities of the Economic Development Commission, and the efforts to initiate and sustain economic development in this state by institutions of higher education to determine if there is duplication of services or areas that require additional economic development efforts and to determine which economic development efforts are succeeding and which are not succeeding; and

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

Filed March 28, 1989

## CHAPTER 858

HOUSE CONCURRENT RESOLUTION NO. 3079  
(Representatives Kloubec, Schneider)  
(Senators Heigaard, Olson)  
(Approved by the Committee on Delayed Bills)

### **GARRISON DIVERSION APPROPRIATION URGED**

A concurrent resolution urging Congress to appropriate \$48 million for the Garrison Diversion Unit Project.

WHEREAS, 94 North Dakota cities have applied to the State Water Commission and the Garrison Diversion Conservancy District for financial assistance for water supply and distribution projects in their communities; and

WHEREAS, the Southwest Pipeline Project will require \$30 million in construction funds in order to provide water to Dickinson, and additional funds will be necessary in order to enable the project to distribute water to smaller communities and rural areas in southwestern North Dakota; and

WHEREAS, the Northwest Area Water Supply Study indicated a significant need for improved water supply, water quality, and water distribution exists in the northwest portion of the state; and

WHEREAS, several companies have considered relocating or locating their businesses in Fargo but have not done so because of the lack of a guaranteed water supply which has resulted in a limitation of new industrial economic development in Fargo; and

WHEREAS, in 1988 North Dakota experienced one of the most severe short-term droughts in the state's recorded history which had a substantial impact on the agricultural and livestock sector of the economy of North Dakota; and

WHEREAS, if the Garrison Diversion Unit Project had been complete in 1988 it would have provided 130,000 acres of irrigation and provided for the production of sufficient forage to adequately feed three-fourths of North Dakota's brood cow population for a period of 240 days; and

WHEREAS, there is a critical need for distribution of Missouri River water into the Sheyenne and Red River systems; and

WHEREAS, the tremendous recreation industry dependent on a stable water supply for Devils Lake is in continuous jeopardy both in terms of water quantity and water quality; and

WHEREAS, water development projects provide opportunities for reducing flood damage by controlling floods, provide economic development opportunities by creating new wealth, and create new programs focusing on

basic sector industries as well as other opportunities which enhance the quality of life in North Dakota; and

WHEREAS, \$48 million is required to continue construction of project features; address municipal, rural, and industrial water supply needs; satisfy recreation and wildlife requirements; and provide Indian water requirements;

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

That the Fifty-first Legislative Assembly urges the Congress of the United States to appropriate \$48 million for the Garrison Diversion Unit Project for fiscal year 1990; and

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

Filed March 28, 1989

## CHAPTER 859

HOUSE CONCURRENT RESOLUTION NO. 3080  
(Representatives Sorensen, Kloubec, Schneider)  
(Senators Olson, Maixner, Yockim)  
(Approved by the Committee on Delayed Bills)

### VIRGIL HILL DAY

A concurrent resolution designating March 4, 1989, as Virgil Hill Day and urging the Governor to issue a proclamation to the same effect.

WHEREAS, Virgil Hill represented North Dakota and the United States with honor as a participant in the 1984 Olympic Games; and

WHEREAS, Virgil Hill honored North Dakota and the United States by winning the Silver Medal at the 1984 Summer Olympic Games; and

WHEREAS, Virgil Hill is presently the undefeated World Boxing Association Light Heavyweight Champion; and

WHEREAS, North Dakota takes great pride in the amateur and professional accomplishments and exemplary behavior of Virgil Hill; and

WHEREAS, in his travel throughout the world, Virgil Hill has brought honor to the State of North Dakota and has credited his North Dakota heritage as the basis of his hard work ethic which has brought him to international prominence;

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

That March 4, 1989, is designated as Virgil Hill Day and that the Fifty-first Legislative Assembly urges the Governor to issue a proclamation to the same effect; and

BE IT FURTHER RESOLVED, that the Fifty-first Legislative Assembly joins the citizens of North Dakota in wishing Virgil Hill the best of luck with his title defense on March 4, 1989.

Filed March 7, 1989

## CHAPTER 860

HOUSE CONCURRENT RESOLUTION NO. 3081  
(Peterson, Martinson)  
(Approved by the Committee on Delayed Bills)

### LEGISLATIVE EMPLOYEE COMPENSATION STUDY

A concurrent resolution directing the Legislative Council to study legislative employee compensation.

WHEREAS, Legislative Assembly employees function in an extremely demanding work environment and carry out their duties with great dispatch, ability, efficiency, intelligence, and good humor; and

WHEREAS, attracting and retaining the high quality employees that the Legislative Assembly has been blessed with to the present time is critical to the continued ability of the Legislative Assembly to properly conduct its deliberations within the limited time available; and

WHEREAS, various legislative employee positions involve different degrees of ability, experience, and overtime work, which necessitate differences in compensation; and

WHEREAS, Legislative Assembly employee compensation has not been adjusted since 1985 and has been adjusted in only two of the last five legislative sessions; and

WHEREAS, assuring adequate compensation to legislative employees is of primary importance to attracting and retaining the talented and dedicated employees necessary for the Legislative Assembly to conduct its deliberations in an appropriate atmosphere;

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

That the Legislative Council study legislative employee compensation levels for legislative employees in general and with attention to whether variances in compensation among employees adequately address the level of experience, ability, and overtime work required of particular positions; and

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

Filed March 31, 1989

## CHAPTER 861

HOUSE CONCURRENT RESOLUTION NO. 3083  
(Kloubec)  
(Approved by the Committee on Delayed Bills)

### STATE BUILDING INSURANCE COVERAGE STUDY

A concurrent resolution directing the Legislative Council to study the adequacy of property insurance coverage to replace state buildings.

WHEREAS, the State Fire and Tornado Fund was established in 1919 to insure various state agencies, industries, and political subdivisions against loss to buildings and contents; and

WHEREAS, the cost of interruption resulting from loss of property is not covered by the State Fire and Tornado Fund; and

WHEREAS, the cost of interruption to a state agency may be substantial because of the need to utilize temporary facilities; and

WHEREAS, the replacement of lost property with an identical structure may not be practical because of changing space and program needs; and

WHEREAS, the proceeds from insurance may not be sufficient to finance the building of a replacement facility adequate to meet the changing needs;

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

That the Legislative Council study the adequacy of property insurance coverage to replace state buildings and determine the feasibility and desirability of providing business interruption insurance coverage to state agencies; and

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

Filed March 31, 1989

## CHAPTER 862

HOUSE CONCURRENT RESOLUTION NO. 3085

(Mertens)

(Approved by the Committee on Delayed Bills)

### STATE NURSERY PRICING STUDY

A concurrent resolution directing the Legislative Council to study the price level the State Forester should establish for seeds and planting stock from the state nursery.

WHEREAS, North Dakota Century Code Section 4-19-03 prohibits the State Forester from charging a price greater than the cost to the state for production and transportation in the case of planting stock or collection and transportation in the case of seeds from the state nursery; and

WHEREAS, it may be advantageous for the State Forester to be allowed to charge more than production, collection, and transportation costs in order to accumulate reserves for use in unusual circumstances such as crop loss or special projects; and

WHEREAS, factors used to establish price levels should be based on accurate and acceptable assessment of all the pertinent costs relating to production, collection, and transportation and should be competitive with the retail market and with the prices of other states;

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

That the Legislative Council study the price level the State Forester should establish for seeds and planting stock from the state nursery; and

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

Filed April 5, 1989

## CHAPTER 863

HOUSE CONCURRENT RESOLUTION NO. 3086  
(Gerl, Lindgren, Dorso)  
(Approved by the Committee on Delayed Bills)

### **CHARITABLE GAMING AND OVERVIEW STUDY**

A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules and the need to establish a permanent legislative overview committee for charitable gaming issues.

WHEREAS, charitable gaming problems that come to light, the growth of charitable gaming as an industry in this state, and the various forms of gaming allowed by state law require an increasing amount of attention of the Legislative Assembly; and

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

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

That the Legislative Council study charitable gaming laws and rules and the need to establish a permanent legislative overview committee for charitable gaming issues; and

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

Filed April 11, 1989

## CHAPTER 864

HOUSE CONCURRENT RESOLUTION NO. 3087  
(Representative Kingsbury)  
(Senator Streibel)  
(Approved by the Committee on Delayed Bills)

### COURT MONITOR CHANGES SUPPORTED

A concurrent resolution supporting the Attorney General of North Dakota in requesting the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court monitor that was created by the court in the case concerning the deinstitutionalization of developmentally disabled persons.

WHEREAS, as part of its August 31, 1982, decision in the case concerning the deinstitutionalization of developmentally disabled persons in this state, the United States District Court created the position of court monitor; and

WHEREAS, in its implementation order of March 7, 1984, the district court described the duties and responsibilities of the court monitor; and

WHEREAS, the court recently considered the more specific issue of appropriate placement of class members into intermediate care facilities and skilled care facilities; and

WHEREAS, that recent order placed additional requirements with respect to class placements to nursing homes, including the implementation of an ongoing program to effectuate corrections in the areas of overuse of behavior controlling medications, adequate community support for developmentally disabled and mentally retarded persons, reduction in instances of improper placement, and provision of a permanent educational and operational program for human service personnel; and

WHEREAS, the court monitor's role in reviewing the progress toward implementation of the court's order would appear to be expanding, notwithstanding the state's continuation of good faith efforts to comply with the court-established requirements; and

WHEREAS, the Legislative Assembly has appropriated substantial funds each biennium for the payment of fees and expenses billed to the state by the court monitor; and

WHEREAS, the Legislative Assembly has appropriated increased funding for the Protection and Advocacy Project during past bienniums to provide, in part, for the monitoring of facilities for and services to developmentally disabled persons;

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

That the Fifty-first Legislative Assembly supports the Attorney General of North Dakota in the request to the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court's monitor in implementing the orders of the court in the case concerning the deinstitutionalization of developmentally disabled persons; and

BE IT FURTHER RESOLVED, that the Secretary of State is directed to forward a copy of this resolution to the Attorney General of North Dakota.

Filed April 14, 1989

## CHAPTER 865

HOUSE CONCURRENT RESOLUTION NO. 3088  
(Representatives R. Anderson, Timm)  
(Senator Langley)

(Approved by the Committee on Delayed Bills)

### TRIBAL VEHICLE LICENSING STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of entering into reciprocal agreements with Indian tribes concerning the registration of motor vehicles, and the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers.

WHEREAS, the state of North Dakota currently registers motor vehicles for all persons within the state of North Dakota, including those persons who are members of Indian tribes residing within Indian reservations; and

WHEREAS, state officials have learned of the intention of the Devils Lake Sioux Indian tribe to begin issuing its own motor vehicle registrations to its own members as early as the spring of 1989; and

WHEREAS, current North Dakota law does not provide for the recognition of motor vehicle registrations issued by Indian reservations; and

WHEREAS, current North Dakota law does not allow for any reciprocal agreement between the state of North Dakota and an Indian reservation concerning the recognition of motor vehicle registrations of either party; and

WHEREAS, other Indian reservations within North Dakota may also desire to issue motor vehicle registrations to its own members; and

WHEREAS, members of the Fifty-first Legislative Assembly upon learning of the potential of Indian reservation motor vehicle registration have expressed concerns with respect to the ramifications of such registration especially as to its effect upon the distribution of moneys from the highway tax distribution fund, the financial impact upon those counties in which Indian reservations are located with respect to the maintenance of roads within reservation boundaries, the integration of the state and Indian tribe vehicle registration system, and fair and equitable treatment to Indian tribe members and other citizens of the state of North Dakota who seek registration of their motor vehicles; and

WHEREAS, the exercise of an Indian tribe's sovereign power may occur in subject areas other than motor vehicle registration which may adversely impact upon the amount of state funds provided to political subdivisions; and

WHEREAS, there is little time left in the remaining days of the Fifty-first Legislative Assembly, to adequately, accurately, and effectively deal with these complex and serious subjects;

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

That the Legislative Council study the feasibility and desirability of a reciprocal agreement between the state of North Dakota and Indian tribes with respect to motor vehicle registrations issued by either party; and

BE IT FURTHER RESOLVED, that all state and local law enforcement agencies be encouraged to work with Indian tribes to resolve the issue of motor vehicle registrations in anticipation of the work of the Fifty-second Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Legislative Council study the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers; and

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

Filed April 13, 1989

## CHAPTER 866

HOUSE CONCURRENT RESOLUTION NO. 3089  
(Representatives Oban, Wentz, Enget)  
(Senators Tennefos, Krauter)  
(Approved by the Committee on Delayed Bills)

### DIAL-A-PORN REGULATION STUDY

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating dial-a-porn telephone services.

WHEREAS, vendors of sexually explicit telephone messages have become increasingly aggressive in using public communication networks and minors are particularly susceptible to such messages; and

WHEREAS, federal law prohibits the use of telephones in interstate or foreign, but not in intrastate, communication to make obscene or indecent communications for commercial purposes, although legislation was recently introduced to address intrastate communications; and

WHEREAS, this state has no statutory or regulatory provisions governing dial-a-porn telephone services or prohibiting the provision of such services to minors;

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

That the Legislative Council study the feasibility and desirability of regulating dial-a-porn telephone services, with the study to include consideration of methods to prohibit the provision of such services to minors; and

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

Filed April 11, 1989

## CHAPTER 867

HOUSE CONCURRENT RESOLUTION NO. 3090  
 (Committee on Employment)  
 (Approved by the Committee on Delayed Bills)

### SESSION EMPLOYEE RETENTION

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

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

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

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

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

#### HOUSE POSITIONS

Chief Clerk  
 Assistant Chief Clerk  
 Desk Reporter  
 Bill Clerk  
 Sergeant-at-Arms  
 Assistant Sergeant-at-Arms  
 Chief Page and Bill Book Clerk  
 Chief Stenographer and Payroll Clerk  
 Bill Room Clerk  
 Appropriations Committee Clerk  
 Assistant Appropriations Committee Clerk  
 Secretary to Speaker  
 Secretary to Majority Leader  
 Secretary to Minority Leader  
 Chief Telephone Clerk

#### SENATE POSITIONS

Secretary of the Senate  
 Assistant Secretary of the Senate  
 Desk Reporter  
 Bill Clerk  
 Desk Page  
 Sergeant-at-Arms  
 Assistant Sergeant-at-Arms  
 Assistant Sergeant-at-Arms  
 Chief Page and Bill Book Clerk  
 Chief Stenographer and Payroll Clerk

Stenographer  
Chief Committee Clerk  
Appropriations Committee Clerk  
Secretary to Majority Leader  
Assistant Secretary to Majority Leader  
Secretary to Minority Leader  
Assistant Secretary to Minority Leader  
Chief Bill and Journal Room Clerk  
Bill Room Clerk

BE IT FURTHER RESOLVED, that the above-listed House and Senate employees shall serve at the request of, and under the supervision of, the Chief Clerk of the House and the Secretary of the Senate, and that all of the listed employees, including the Chief Clerk of the House and the Secretary of the Senate, may not be employed for more than 200 man-days in the aggregate. The Chief Clerk of the House and the Secretary of the Senate shall assign work among the available House and Senate employees, respectively, in the appropriate manner. The Chief Clerk of the House and the Secretary of the Senate shall coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limit on man-days in this resolution. The Chief Clerk of the House and the Secretary of the Senate 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. 4027 for work pursuant to this resolution, and all of these sums are to be paid out of the appropriation to the Fifty-first and Fifty-second Legislative Assemblies, and after completion of the work, providing that each above-listed employee must be paid on a pro rata basis if the total number of man-days exceeds the aggregate limit.

Filed April 18, 1989