

# SENATE CONCURRENT RESOLUTIONS

## CHAPTER 636

### SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Council)

(Budget Committee on Government Administration)

### HUMAN SERVICE CENTER STUDY

A concurrent resolution directing the Legislative Council to study the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursement and competition with private providers.

**WHEREAS**, the 57th Legislative Assembly appropriated in excess of \$100 million for human service center operations for the 2001-03 biennium; and

**WHEREAS**, each human service center serves a specific demographic, geographic, and economic area of the state; and

**WHEREAS**, the needs of clients and service priorities are similar among human service centers; and

**WHEREAS**, human service centers accept third-party private reimbursement and compete against private providers for the same services and clients; and

**WHEREAS**, the human service centers currently share administrators;

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

That the Legislative Council study the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursements and competition with the private providers; and

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

Filed April 11, 2003

**CHAPTER 637****SENATE CONCURRENT RESOLUTION NO. 4002**

(Legislative Council)  
(Judiciary B Committee)

**ELK DEPREDATION DAMAGE REIMBURSEMENT  
URGED**

A concurrent resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park.

**WHEREAS**, in 1985 the National Park Service brought 47 elk to this state and located the elk in the south unit of the Theodore Roosevelt National Park; and

**WHEREAS**, in 1999 the North Dakota Game and Fish Department counted a total of 410 elk in the Theodore Roosevelt National Park; and

**WHEREAS**, the high number and nature of elk within the park results in elk, especially bull elk, leaving the park; and

**WHEREAS**, elk cause severe depredation to planted crops and stored feed of the agricultural producers in close proximity to the park; and

**WHEREAS**, elk may be involved in motor vehicle crashes injuring people and property; and

**WHEREAS**, elk that leave the Theodore Roosevelt National Park can be identified by ear tags, microchips, and other means;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution, by certified mail with return receipt, to the director of the National Park Service, the Secretary of the Department of the Interior, and to each member of the North Dakota Congressional Delegation.

Filed March 18, 2003

## CHAPTER 638

### SENATE CONCURRENT RESOLUTION NO. 4003

(Senators Stenehjem, O'Connell)  
(Representatives Berg, Boucher)

### TEX HALL AND INDIAN LEADERS COMMENDED

A concurrent resolution welcoming Chairman Tex Hall of the Three Affiliated Tribes to the North Dakota Legislative Assembly and to commend Chairman Hall and the leaders of all American Indian people in North Dakota for their work to improve our state.

**WHEREAS**, members of the Fifty-eighth Legislative Assembly wish to improve North Dakota's relationship and cooperation with the sovereign Indian tribes of our great state; and

**WHEREAS**, the Legislative Assembly has worked to promote job creation and generate a more dynamic economy for American Indian people in North Dakota; and

**WHEREAS**, the Mandan, Hidatsa, and Arikara Nation, Turtle Mountain Band of Chippewa, Spirit Lake Nation, Standing Rock Nation, and Sisseton-Wahpeton Sioux Tribe share a common destiny with all citizens of the state of North Dakota; and

**WHEREAS**, like all leaders in service to citizens, tribal leaders have worked to improve economic opportunities, education, and health care for American Indian people; and

**WHEREAS**, Chairman Hall is an enrolled member of the Mandan, Hidatsa, and Arikara Nation and has been elected chairman of the Three Affiliated Tribes; and

**WHEREAS**, Chairman Hall has distinguished himself as a national leader and advocate for American Indian people as President of the National Congress of American Indians; and

**WHEREAS**, Chairman Hall will address the members of the Fifty-eighth Legislative Assembly in a joint session on Thursday, January 9, 2003, to report on the important relationship between the state of North Dakota and the tribal governments of North Dakota;

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

That the Fifty-eighth Legislative Assembly welcomes Chairman Tex Hall of the Three Affiliated Tribes and thanks Chairman Hall and all leaders of the American Indian people of North Dakota for their work to improve our state; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Tribal Business Council of the Mandan, Hidatsa, and Arikara Nation; to the Tribal Council of the Turtle Mountain Band of Chippewa; to the Tribal Council of the Spirit Lake Nation; to the Tribal Council of the Standing Rock Sioux; and to the Tribal Council of the Sisseton-Wahpeton Sioux Tribe.

Filed January 14, 2003

**CHAPTER 639****SENATE CONCURRENT RESOLUTION NO. 4005**

(Senators Krauter, Erbele, Urlacher)  
(Representative Kerzman)

**PRODUCTION INSURANCE IMPLEMENTATION  
URGED**

A concurrent resolution urging the United States Secretary of Agriculture to implement a cost of production insurance pilot program.

**WHEREAS**, cost of production insurance is a concept that allows producers of program and specialty crops to insure between 70 and 90 percent of their documented variable costs of production; and

**WHEREAS**, cost of production insurance would greatly enhance each producer's ability to survive natural disasters and economic crises; and

**WHEREAS**, cost of production insurance would significantly limit the federal government's budget exposure for agricultural losses; and

**WHEREAS**, the United States Department of Agriculture's Risk Management Agency has received a proposal for implementation of a cost of production insurance pilot program but has not yet implemented such a program; and

**WHEREAS**, in its initial phase, a cost of production insurance pilot program would cover commodities such as almonds, apricots, corn, cotton, cranberries, nectarines, onions, peaches, rice, soybeans, sugarcane, and wheat;

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

That the Fifty-eighth Legislative Assembly urges the United States Secretary of Agriculture to implement a cost of production insurance pilot program; and

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

Filed April 2, 2003

## CHAPTER 640

### SENATE CONCURRENT RESOLUTION NO. 4006

(Senators Christmann, Erbele, G. Lee)

(Representatives Grosz, Haas, Pietsch)

### DOLLARS FOR SCHOLARS PROGRAM COMMENDED

A concurrent resolution commending the volunteers and staff of the Dollars for Scholars program for being selected to establish a state office and commending the 7,500 young North Dakota scholarship recipients for their hard work and dedication to the pursuit of education.

**WHEREAS**, North Dakota citizens value postsecondary education and are supportive of young people who seek to obtain a postsecondary education; and

**WHEREAS**, the rising cost of postsecondary education makes it difficult for many families to finance such a pursuit; and

**WHEREAS**, the Dollars for Scholars organization is committed to creating local scholarship opportunities for the students of this state and promoting private sector scholarships; and

**WHEREAS**, there are 63 Dollars for Scholars chapters serving 120 North Dakota communities which have already raised over \$8.6 million and awarded more than 7,500 scholarships to North Dakota students; and

**WHEREAS**, during the 2001-02 school year, the Dollars for Scholars chapters in this state awarded over \$801,000 to North Dakota students; and

**WHEREAS**, the national office of the Dollars for Scholars program has selected North Dakota as a recipient of funds with which to organize a state Dollars for Scholars office; and

**WHEREAS**, a state office will aid in strengthening the existing programs and in developing new chapters dedicated to awarding scholarships to our students; and

**WHEREAS**, the national Dollars for Scholars program has been rated one of the top education charities by Smart Money magazine for five years in a row;

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

That the Legislative Assembly commends the volunteers and staff of the Dollars for Scholars program for being selected to establish a state office and commends the 7,500 young North Dakota scholarship recipients for their hard work and dedication to the pursuit of education; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the national office of Dollars for Scholars and to the director of the North Dakota Dollars for Scholars program.

Filed March 18, 2003

## CHAPTER 641

### SENATE CONCURRENT RESOLUTION NO. 4008

(Senators Fischer, J. Lee, Mathern)  
(Representatives Hanson, Mueller, Zaiser)

### GUARDIANSHIP STUDY

A concurrent resolution directing the Legislative Council to study the need for guardianship services, standards and practices for guardians, and funding for programs for individuals with mental illness, vulnerable elderly individuals, and individuals with traumatic brain injuries.

**WHEREAS**, guardians provide an essential service for incapacitated individuals; and

**WHEREAS**, the behavior of guardians needs to be at a high standard to protect these incapacitated individuals; and

**WHEREAS**, the need for guardianship services for incapacitated individuals is unknown and the need appears not to be met; and

**WHEREAS**, the needs of individuals with mental illness, traumatic brain injury, and the elderly may require funding for programs to increase their quality of life, including their protection through guardianship services;

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

That the Legislative Council study the need for guardianship services, standards and practices for guardians, and funding for programs for individuals with mental illness, vulnerable elderly individuals, and individuals with traumatic brain injuries; 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-ninth Legislative Assembly.

Filed April 2, 2003

## CHAPTER 642

### SENATE CONCURRENT RESOLUTION NO. 4009

(Senators Krauter, Nichols, Urlacher)  
(Representatives Mueller, Nicholas)

### CONSERVATION SECURITY PROGRAM IMPLEMENTATION URGED

A concurrent resolution urging the United States Department of Agriculture to fully implement the conservation security program of the 2002 Farm Security and Rural Investment Act in order to assist farmers with the cost of conserving vital agricultural resources.

**WHEREAS**, the 2002 Farm Security and Rural Investment Act established the conservation security program; and

**WHEREAS**, the purpose of the conservation security program is to assist producers of agricultural operations in promoting conservation and improving the quality of soil, water, air, and plant and animal life; and

**WHEREAS**, the conservation security program covers the costs of adopting new management, vegetation, and land-based structural practices, as well as costs for maintaining existing land management and vegetative practices; and

**WHEREAS**, the conservation security program will reward farmers who are already doing a good job of conserving their farmland and will provide incentives for implementing new practices that will further improve land stewardship; and

**WHEREAS**, enrollment by farmers, ranchers, and landowners in the conservation security program was anticipated to deliver \$2 billion over 10 years as scored by the congressional budget office; and

**WHEREAS**, concern exists over the potential for the Congress to renege on its earlier spending commitment for the conservation security program; and

**WHEREAS**, the conservation security program was designed as a national program available to all producers;

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

That the Fifty-eighth Legislative Assembly urges the United States Department of Agriculture to fully implement the conservation security program of the 2002 Farm Security and Rural Investment Act in order to assist farmers with the cost of conserving vital agricultural resources; and

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

Filed April 2, 2003



**CHAPTER 643****SENATE CONCURRENT RESOLUTION NO. 4010**

(Senators Klein, Nichols, Taylor)  
(Representatives Brusegaard, Weisz)

**COST OF PRODUCTION INSURANCE FUNDING  
URGED**

A concurrent resolution urging Congress to adequately fund and the Secretary of Agriculture to expeditiously implement and expand whole-farm cost of production insurance that is based on a producer's actual production cost history.

**WHEREAS**, North Dakota is second among states in the use of federal crop insurance products; and

**WHEREAS**, North Dakota has experienced several consecutive years of natural disasters that have reduced actual production history; and

**WHEREAS**, many producers have found that their level of coverage has eroded or is unavailable as a result of consecutive years of natural disasters; and

**WHEREAS**, the current federal crop insurance system, which relies upon production units, price history, and yield history, has been subject to both fraud and abuse; and

**WHEREAS**, many producers and lending institutions require more coverage and reliability than can be provided by existing federal crop insurance products and ad hoc disaster spending to cover production costs in the event of catastrophic natural disasters; and

**WHEREAS**, the taxpayers of this state and country deserve a more fiscally responsible plan than off-budget emergency spending to deal with catastrophic agricultural losses;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to adequately fund and the Secretary of Agriculture to expeditiously implement and expand whole-farm cost of production insurance that is based on a producer's actual production cost history; and

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

Filed April 11, 2003

**CHAPTER 644****SENATE CONCURRENT RESOLUTION NO. 4011**  
(Senator Trenbeath)**MOTOR VEHICLE LIEN STUDY**

A concurrent resolution directing the Legislative Council to study alternative methods for recording and discharging a lien on a motor vehicle.

**WHEREAS**, it is the legislative responsibility to review existing laws to ensure that laws address the problems the laws are intended to rectify; and

**WHEREAS**, current state law regarding the procedures for recording and discharging a lien on a motor vehicle have not changed in more than thirty years; and

**WHEREAS**, specific requirements for the recording and discharging of a lien on a motor vehicle are provided in state law; and

**WHEREAS**, North Dakota citizens and the Department of Transportation have previously experienced problems when a lien on a motor vehicle is not properly recorded or discharged; and

**WHEREAS**, new technologies exist that simplify the procedures and requirements related to recording and discharging a lien on motor vehicles;

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

That the Legislative Council study the requirements for recording and discharging a lien on a motor vehicle and the desirability of adopting laws that provide alternative methods to recording and discharging a lien on a motor vehicle; 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-ninth Legislative Assembly.

Filed March 18, 2003

**CHAPTER 645****SENATE CONCURRENT RESOLUTION NO. 4014**

(Senators Kringstad, Every, Lyson)  
(Representatives Carlisle, Wrangham)

**LAW ENFORCEMENT TRAINING FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study methods for funding and providing law enforcement training in this state.

**WHEREAS**, law enforcement training is critical in providing effective law enforcement service to the people of North Dakota; and

**WHEREAS**, funding for this critical training has been difficult to maintain because of budget constraints at the federal, state, and local levels; and

**WHEREAS**, there is a need to determine the most cost-effective ways of providing this training so that the safety of law enforcement personnel and the public can be preserved;

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

That the Legislative Council study methods for funding and providing law enforcement training 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-ninth Legislative Assembly.

Filed March 25, 2003

**CHAPTER 646****SENATE CONCURRENT RESOLUTION NO. 4016**  
(Senator Nichols)**SEED COMMISSIONER AND DEPARTMENT STUDY**

A concurrent resolution directing the Legislative Council to study those provisions of North Dakota Century Code Title 4 which relate to the powers and duties of the State Seed Commissioner and the State Seed Department.

**WHEREAS**, many of the laws relating to powers and duties of the State Seed Commissioner and the State Seed Department have been adopted over the years without regard to their interrelationship; and

**WHEREAS**, many of the laws relating to the powers and duties of the Seed Commissioner and the Seed Department set forth neither clear objectives nor directives for their administration; and

**WHEREAS**, many of the laws relating to powers and duties of the Seed Commissioner and the Seed Department are duplicative, inconsistent, illogically arranged, unclear in their intent and direction, and inapplicable to the manner in which agriculture is conducted in the 21st century;

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

That the Legislative Council study those provisions of North Dakota Century Code Title 4 which relate to the powers and duties of the State Seed Commissioner and the State Seed Department; and

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

Filed April 2, 2003

**CHAPTER 647****SENATE CONCURRENT RESOLUTION NO. 4018**

(Senators Klein, Andrist, Flakoll, O'Connell)  
(Representatives Pollert, Severson)

**NORTH DAKOTA FOOD PRODUCTS PURCHASE  
URGED**

A concurrent resolution urging all publicly supported entities having food acquisition functions to support North Dakota producers and processors through the purchase of food products grown or produced and processed in this state.

**WHEREAS**, North Dakota is home to many value-added agricultural food product processing facilities that have the potential to become economic growth engines for this state; and

**WHEREAS**, North Dakota-produced food is valued for its wholesomeness and nutritional value; and

**WHEREAS**, all North Dakotans should proudly showcase all the foods grown or produced in this state and all the foods processed in this state;

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

That the Fifty-eighth Legislative Assembly urges all publicly supported entities having food acquisition functions to support North Dakota producers and processors through the purchase of food products grown or produced and processed in this state; and

**BE IT FURTHER RESOLVED**, that the Office of Management and Budget is urged to compile a list of all food processors in this state that utilize and have a sales and distribution network for North Dakota grown or processed products and to distribute that list to all publicly supported entities having food acquisition functions, including the North Dakota University System and the school districts of this state; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to all food processors in this state and the Office of Management and Budget.

Filed April 3, 2003

## CHAPTER 648

### SENATE CONCURRENT RESOLUTION NO. 4019

(Senators Kringstad, Dever, Tallackson)  
(Representatives Delzer, Norland)

### CONSUMER REPORT INFORMATION STUDY

A concurrent resolution directing the Legislative Council to study actions that can be taken at the state level to address the problem of inaccurate or obsolete information on consumer reports.

**WHEREAS**, inaccurate or obsolete negative information on a consumer report has a broad sweeping impact on consumers, including credit denial, unfavorable credit terms, increased insurance premiums, and denied housing; and

**WHEREAS**, the federal Fair Credit Reporting Act addresses consumer reporting agencies, consumer reports, procedures for disputing accuracy of information of a consumer report, and requirements relating to information contained in consumer reports; and

**WHEREAS**, Section 624 of the federal Fair Credit Reporting Act expressly provides how the federal act relates to state laws; and

**WHEREAS**, indepth research is required to determine whether state laws can legally and effectively address this problem of inaccurate or obsolete negative information on consumer reports;

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

That the Legislative Council study actions that can be taken at the state level to address the problem of inaccurate or obsolete information on consumer reports; 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-ninth Legislative Assembly.

Filed March 25, 2003

**CHAPTER 649****SENATE CONCURRENT RESOLUTION NO. 4020**

(Senators Dever, Krebsbach, G. Lee)  
(Representatives Dosch, M. Klein, Meier)

**COLLEGE INTERNSHIPS URGED**

A concurrent resolution encouraging state agencies to provide college internships.

**WHEREAS**, state agencies are dispersed throughout this state; and

**WHEREAS**, internships retain young people who are the greatest promise for the future of this state; and

**WHEREAS**, internships are good for students because students can gain good work habits and work experience, explore possible careers in a realistic worksetting, learn while earning funds for education, apply classroom learning to realistic worksettings for academic credit, and achieve a smooth transition into full-time employment due to the experience and professional contacts gained by the student; and

**WHEREAS**, internships are good for the employer because interns bring ideas and talent to the workplace, the employer has an opportunity to observe potential employees before committing to full-time employment, the employer can establish a well-trained pool of potential employees, and the cost of recruiting and training new employees is reduced;

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

That the Fifty-eighth Legislative Assembly encourages state agencies to provide college internships; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the head of every state agency in this state.

Filed March 19, 2003

## CHAPTER 650

### SENATE CONCURRENT RESOLUTION NO. 4022

(Senator Nichols)  
(Representative Onstad)

#### TRIBAL GAME AND FISH COORDINATION STUDY

A concurrent resolution directing the Legislative Council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota.

**WHEREAS**, the state of North Dakota has established a game and fish department to manage the wild game and fish within the state; and

**WHEREAS**, the various tribal governments of the federally recognized Indian tribes within North Dakota assert a federally recognized right to regulate hunting and fishing within the reservations set aside for their benefit and have also established game and fish departments that assist in that regulation; and

**WHEREAS**, various issues have arisen between the state game and fish department and the Indian tribes regarding such issues as jurisdiction, recognition of tribal and state hunting and fishing permits, and coordination of activities such as hunting and fishing seasons, among others, and it would be desirable to resolve these issues if at all possible; and

**WHEREAS**, it would be mutually beneficial for the state of North Dakota and the tribal governments to work cooperatively to effectively manage the wild game and fish that exist within North Dakota;

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

That the Legislative Council study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota; and

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

Filed April 11, 2003



## CHAPTER 651

### SENATE CONCURRENT RESOLUTION NO. 4023

(Senators Stenehjem, Holmberg, J. Lee)  
(Representatives Berg, Devlin, Price)

### MEDICARE PRESCRIPTION DRUG BENEFIT URGED

A concurrent resolution urging the Congress to enact a Medicare prescription drug benefit.

**WHEREAS**, the use of prescription drugs improves the quality of care and helps patients live healthier, longer, and more productive lives while keeping them out of more costly acute care settings in the long term; and

**WHEREAS**, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States since Medicare was enacted, and while two-thirds of the Medicare population has some form of prescription drug coverage, although many times it is inadequate, one-third of Medicare beneficiaries have no coverage at all; and

**WHEREAS**, Congress did not enact a drug benefit in the Medicare program therefore, the program is inadequate in providing the elderly and disabled the most appropriate drug therapies, preventing the delivery of quality health care at an affordable cost; and

**WHEREAS**, the private sector provides affordable coverage by negotiating discounts on drugs and meeting the needs of special populations with chronic diseases and those with comorbidities through coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical errors; and

**WHEREAS**, comprehensive reform of the Medicare program could utilize the successful tools of the private sector in coordinating care for this population and use the marketplace to foster competition among private plans, resulting in more choices of quality coverage for seniors and the disabled while maintaining the financial sustainability of the program; and

**WHEREAS**, Congress's inaction has failed to provide for comprehensive reform of Medicare, encouraging states to use their own resources to ease the burden of their elderly and disabled populations and effectively assume an unfunded, informal mandate; and

**WHEREAS**, in implementing state programs to assist the Medicare population, state budgetary constraints can often result in requirements to restrict and limit the patients' access to needed prescription drugs and enact anticompetitive price controls;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to enact financially sustainable, voluntary, universal, outpatient prescription

drug coverage with consideration for privately administered plans as part of the federal Medicare program; and

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

Filed April 2, 2003

## CHAPTER 652

### SENATE CONCURRENT RESOLUTION NO. 4024

(Senators Fairfield, Nething)

(Representatives Hanson, Headland, Kroeber, Pollert)

#### DARIN ERSTAD COMMENDED

A concurrent resolution celebrating the World Series victory of Darin Erstad as a member of the Anaheim Angels baseball team.

**WHEREAS**, Darin Erstad was born and raised in Jamestown, North Dakota; and

**WHEREAS**, Darin Erstad participated in American Legion baseball while a student at Jamestown High School, batting .492 with 18 home runs for the Jamestown Eagles in 1992, and played football and hockey for Jamestown High School; and

**WHEREAS**, Darin Erstad was named North Dakota Athlete of the Year by the Associated Press in 1992; and

**WHEREAS**, Darin Erstad was named All Big Eight Conference and Big Eight Conference player of the year in baseball, named academic All Big Eight Conference for the University of Nebraska baseball team, and named academic All Big Eight Conference for the 1994 national championship University of Nebraska football team; and

**WHEREAS**, in addition to his skill on the baseball diamond, Darin Erstad has, especially in his support for sick and less fortunate children, demonstrated exemplary citizenship while growing up in North Dakota and while living and playing baseball in California; and

**WHEREAS**, Darin Erstad reached the milestone of 200 hits faster than any player in 60 years, attaining the mark in 132 games, was awarded two Gold Glove awards for his defensive play, and was named to the 1998 and 2000 American League All-Star teams; and

**WHEREAS**, Darin Erstad became the first person born in North Dakota to play on a World Series Championship baseball team when the Anaheim Angels won the 2002 World Series;

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

That the Fifty-eighth Legislative Assembly congratulates Darin Erstad and his family for his victory in the 2002 baseball World Series and for his exemplary representation of the state of North Dakota and the city of Jamestown, as both baseball player and ambassador for North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to Darin Erstad and to each member of his immediate family.

Filed March 25, 2003

## CHAPTER 653

### SENATE CONCURRENT RESOLUTION NO. 4025

(Senators Bercier, Mathern)  
(Representatives Boucher, Svedjan, Tieman)

### WIND ENERGY PRODUCTION TAX CREDIT URGED

A concurrent resolution urging Congress to promote development of North Dakota's wind energy resource by appropriating funds to provide a two and one-half cents per kilowatt hour wind energy production tax credit.

**WHEREAS**, the Fifty-seventh Legislative Assembly of North Dakota enacted legislation allowing installations on property leased by a taxpayer to qualify for a long-form income tax credit for installation of a geothermal, solar, or wind energy device; and

**WHEREAS**, the Fifty-seventh Legislative Assembly of North Dakota also provided a sales and use tax exemption for production equipment and tangible personal property used in construction of a wind-powered electrical generating facility before January 1, 2011, if a facility has an electrical energy generation unit with a nameplate capacity of 100 kilowatts or more; and

**WHEREAS**, the Fifty-seventh Legislative Assembly of North Dakota reduced the taxable valuation of centrally assessed wind turbine electric generators from 10 percent of assessed value to three percent of assessed value if the generation unit has a nameplate generation capacity of 100 hundred kilowatts or more and construction is completed before January 1, 2011; and

**WHEREAS**, development of North Dakota's wind energy resource will benefit the national economy by providing a source of clean, renewable energy thus obviating the need for imported oil; and

**WHEREAS**, Congress should support development of the state's wind energy resource by appropriating funds to provide a wind energy production tax credit of up to two and one-half cents per kilowatt hour; and

**WHEREAS**, enactment of a wind energy production tax credit would promote the manufacturing of wind turbine towers and blades resulting in increased manufacturing of wind turbine equipment in the United States;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to promote development of North Dakota's wind energy resource by appropriating funds to provide a two and one-half cents per kilowatt hour wind energy production tax credit; and

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

Filed March 19, 2003

**CHAPTER 654****SENATE CONCURRENT RESOLUTION NO. 4026**

(Senators Bercier, Mathern)  
(Representatives Boucher, Svedjan, Tieman)

**NO CHILD LEFT BEHIND FUNDING URGED**

A concurrent resolution urging the President and Congress to provide sufficient funding for implementation of the No Child Left Behind Act of 2001.

**WHEREAS**, the No Child Left Behind Act of 2001 represents an increasing federal role in public education; and

**WHEREAS**, this new federal law increases the level of federal funding authorized for education and substantially increases federal requirements and oversight; and

**WHEREAS**, Congress has authorized an additional \$10 billion for education during the ensuing five years, but the level of funding actually appropriated has so far fallen short of the authorized level; and

**WHEREAS**, the cost to states of implementing the No Child Left Behind Act of 2001 is as yet unclear; and

**WHEREAS**, significant concern exists with respect to the ability of the President and Congress to provide the funding necessary for the states to fully implement the No Child Left Behind Act of 2001;

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

That the Fifty-eighth Legislative Assembly urges the President and Congress of the United States to provide sufficient funding for implementation of the No Child Left Behind Act of 2001; and

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

Filed March 18, 2003

## CHAPTER 655

### SENATE CONCURRENT RESOLUTION NO. 4029

(Senators Robinson, Bercier)  
(Representatives Boucher, Drovdal, Onstad)

#### INDIAN ISSUES STUDY

A concurrent resolution directing the Legislative Council to study issues relating to the Indian population of the state, including sovereignty, educational opportunities, cultural understanding, population dispersement, unemployment, health concerns, suicide rates, living conditions, and impact on the caseloads of the Department of Human Services and the Department of Corrections and Rehabilitation.

**WHEREAS**, five federally recognized tribes and one Indian community are located partially or in whole in the state; and

**WHEREAS**, according to the 2000 census, the North Dakota Indian population was 35,228 or 5.5 percent of the state's total population; and

**WHEREAS**, the poverty rate for Indians in North Dakota is more than three times the rate for the state; and

**WHEREAS**, the prevalence of diabetes is nearly three times higher among Indians than it is among white non-Hispanics and other races; and

**WHEREAS**, the suicide rate for Indian youth between the ages of 15 and 24 is 382 percent higher than for non-Indian youth in the state; and

**WHEREAS**, Indians are 7.5 times as likely to live in households without adequate sanitation facilities as the general North Dakota population; and

**WHEREAS**, Indian families account for approximately 57 percent of the temporary assistance for needy families caseload; and

**WHEREAS**, the unemployment rate on the state's Indian reservations averages 55 percent; and

**WHEREAS**, in 2001, of the 751 new admissions to the Department of Corrections and Rehabilitation, Indians accounted for 18 percent of the male admissions and 27 percent of the female admissions;

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

That the Legislative Council study issues relating to the Indian population of the state, including sovereignty, educational opportunities, cultural understanding, population dispersement, unemployment, health concerns, suicide rates, living conditions, and impact on the caseloads of the Department of Human Services and the Department of Corrections and Rehabilitation; 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-ninth Legislative Assembly.

Filed April 11, 2003

**CHAPTER 656****SENATE CONCURRENT RESOLUTION NO. 4030**  
(Senator Trenbeath)**SNOWMOBILE AND ATV DEALER LICENSE STUDY**

A concurrent resolution directing the Legislative Council to study the requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers.

**WHEREAS**, it is the responsibility of the Legislative Assembly to review existing laws to ensure that they address the problems they are intended to rectify; and

**WHEREAS**, current North Dakota law does not establish specific requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers; and

**WHEREAS**, specific requirements for the registration and licensing of other vehicle dealers are provided in North Dakota law; and

**WHEREAS**, North Dakota citizens and the Department of Transportation have previously experienced problems with snowmobile and all-terrain vehicle dealers who failed to deliver certificates of title or remit fees collected on behalf of customers; and

**WHEREAS**, the value of snowmobiles and all-terrain vehicles has increased significantly during the past few years;

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

That the Legislative Council study the requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers and the desirability of adopting laws that provide specific requirements and criteria for qualification as a snowmobile or all-terrain vehicle dealer; 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-ninth Legislative Assembly.

Filed March 18, 2003

## CHAPTER 657

### SENATE CONCURRENT RESOLUTION NO. 4035 (Senator Christenson)

#### ECONOMIC DEVELOPMENT NEAR RESERVATIONS STUDY

A concurrent resolution directing the Legislative Council to study legislative alternatives to foster and promote economic development in areas on or near the Indian reservations in North Dakota, including rural areas near Indian reservations.

**WHEREAS**, the results of the decennial census of the state of North Dakota show that the fastest growing population within the state is Native Americans living within or near Indian reservations; and

**WHEREAS**, census results and other studies also show that the areas of the greatest concentration of poverty and unemployment in North Dakota are on or near the Indian reservations in the state and these areas of poverty and unemployment often extend to counties surrounding the reservations; and

**WHEREAS**, over 50 percent of all welfare recipients in the state of North Dakota are Native Americans, approximately one-third of the prison population is Native American, and the percentage of unemployed who are capable of work on the Indian reservations in North Dakota is greater than 50 percent; and

**WHEREAS**, various economic development efforts are being made and have been made by the federal government that will benefit Indian reservations but these efforts have not been sufficient to relieve the poor economic conditions that exist on the reservations in North Dakota; and

**WHEREAS**, tribal governments are also allocating a large portion of their resources toward economic development, including funds derived from lawful gaming activities conducted on the reservations, and have shown that these economic activities also assist in economic growth in nearby rural communities, but in light of population growth and the limited resources available to tribal governments, including the federal funds set aside on their behalf, the limited income and employment opportunities from gaming activities lawfully conducted in rural areas of the state and other sources of revenue and efforts at economic development, economic conditions for areas on or near reservations have only marginally improved; and

**WHEREAS**, the cost to the state of poor economic conditions on or near the Indian reservations is enormous, including the loss of state revenues because of low economic activity and low employment rates, the cost of welfare assistance, the cost of housing a large prison population, and the cost of other social issues associated with poverty and is probably measured in an amount in the hundreds of millions of dollars; and

**WHEREAS**, barriers to economic development on or near the Indian reservations and in surrounding rural areas include, among other things, lack of access to capital, lack of job training opportunities, lack of employment opportunities,

lack of incentives to invest, such as programs that would reduce or eliminate taxes for specific periods, and lack of infrastructure necessary for investment; and

**WHEREAS**, the state of North Dakota has already enacted various economic development proposals that largely benefit the urban areas of the state and provide some assistance to rural areas but do not target the areas with the greatest concentration of poverty within the state, namely, areas on or near Indian reservations;

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

That the Legislative Council study legislative proposals that would provide economic incentives or provide targeted programs with measurable outcomes that would assist in economic development on or near the Indian reservations in North Dakota and in rural areas around the reservations, including proposals that would assist tribes and tribal members to gain access to capital needed for economic development; reduce or eliminate taxes for a specific period of time; enhance the capacity of state economic development programs already in existence to be coordinated with federal programs that promote economic development for Indian reservations; enhance the capacity of the Bank of North Dakota to provide loans for economic development on or near the reservations, such as lower interest rate loans; and create programs targeted to assist individual tribal members and other rural entrepreneurs to create and expand businesses that are likely to succeed in rural areas; and

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

Filed March 19, 2003

## CHAPTER 658

### SENATE CONCURRENT RESOLUTION NO. 4037

(Senators Klein, Erbele, Heitkamp)  
(Approved by the Delayed Bills Committee)

### WATER PROJECT CONSTRUCTION SUPPORT

A concurrent resolution expressing the Legislative Assembly's support for construction of the North Central Rural Water Consortium Project and the South Central Regional Water District Project.

**WHEREAS**, many areas and localities in central North Dakota do not enjoy safe drinking water, and the water in these areas and localities contains iron, sulfates, alkali, salt, nitrates, fluoride, and other hazardous and discoloring substances; and

**WHEREAS**, many areas and localities in central North Dakota do not have sufficient quantities of water to ensure a dependable, long-term supply; and

**WHEREAS**, a dependable supply of potable water, free from contaminants and substances as aforementioned, is instrumental to the stabilization and revitalization of the rural and sub-urban economy in central North Dakota; and

**WHEREAS**, the North Central Rural Water Consortium Project's goal is to address and fill the gaps existing between the numerous rural water systems currently operating in seven counties throughout central North Dakota, utilizing existing facilities to their fullest capacity to present a more feasible project, and afford all residents of the area the opportunity to be served at a more affordable cost; and

**WHEREAS**, the South Central Regional Water District will extend the services of the Burleigh Water Users Cooperative to address the needs of a five-county region in south central North Dakota, utilizing the Missouri River as a source of supply; and

**WHEREAS**, both of these projects will supply water, in areas of the state exceeding the recommended allowable levels for arsenic, in both private and public wells, thus offering a solution for the numerous small communities facing severe financial burdens to comply with the new arsenic standard thus resulting in an improved quality of life for the rural residents of these areas;

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

That the Fifty-eighth Legislative Assembly expresses its support for construction of the North Central Rural Water Consortium and South Central Regional Water District Projects; and

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

Filed April 2, 2003

## CHAPTER 659

### SENATE CONCURRENT RESOLUTION NO. 4038

(Senators Kringstad, Nelson)

(Representatives Berg, Kroeber)

(Approved by the Delayed Bills Committee)

### BUCKY MAUGHAN CONGRATULATED

A concurrent resolution congratulating Bucky Maughan on election to the National Wrestling Hall of Fame.

**WHEREAS**, Bucky Maughan became head wrestling coach at North Dakota State University in 1964, after a brilliant collegiate wrestling career, including NAIA national championships in 1962 and 1963 and an NCAA Division I national championship in 1963; and

**WHEREAS**, Bucky Maughan, over 38 years, has coached the Thundering Herd to 34 consecutive winning seasons, 394 dual meet wins, nine consecutive conference titles, and 25 top five finishes at the NCAA Division II national championships, including third place six times, second place five times, and four NCAA Division II national championships; and

**WHEREAS**, Bucky Maughan has coached 30 individual NCAA Division II national champions and 168 NCAA Division II and Division I All-Americans, and instilled a tradition of excellence in the North Dakota State University wrestling program that is a tribute to his leadership and coaching excellence; and

**WHEREAS**, Bucky Maughan was selected as NCAA Division II wrestling coach of the year in 1982, 1988, and 1998, was elected to the NCAA Division II and NAIA wrestling Hall of Fame, and has been named as one of the top 10 college wrestling coaches of all time in a poll taken by Wrestling USA magazine;

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

That the Legislative Assembly expresses its pride and extends its congratulations to Bucky Maughan on election to the National Wrestling Hall of Fame; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to Bucky Maughan and to the president and the athletic director of North Dakota State University.

Filed April 11, 2003

## CHAPTER 660

### SENATE CONCURRENT RESOLUTION NO. 4039

(Senators Holmberg, Kringstad, Stenehjem)

(Representatives Delmore, Keiser, Svedjan)

(Approved by the Delayed Bills Committee)

### EVAN LIPS HONORED AND CONGRATULATED

A concurrent resolution honoring former Senator Evan Lips for his countless contributions and unselfish dedication to a better North Dakota and nation and congratulating him on the naming of an auditorium at the University of North Dakota School of Medicine and Health Sciences in his honor.

**WHEREAS**, Evan Lips served our nation in the United States Marine Corps during World War II, and he was awarded the Legion of Merit, the Bronze Star, and the Presidential Unit Citation while serving with the Marines in the South Pacific; and

**WHEREAS**, Evan Lips, as a member of the University of North Dakota All-Centennial Football Team, was selected to be captain of the team, and he was named all-conference for three consecutive years; and

**WHEREAS**, Evan Lips epitomized the highest ideals of public service during 12 years as the mayor of Bismarck and during 38 years as a member of the Senate, where he served as Majority Leader and as chairman of the Appropriations Committee; and

**WHEREAS**, Evan Lips has given unselfishly of his time, talent, and resources for the benefit of others and is the recipient of numerous honors, including the Greater North Dakota Award, the Friend of Education Award, the UND Sioux Award, and, most recently, the Lifetime of Caring Award; and

**WHEREAS**, Evan Lips exhibited a lifelong dedication to providing quality educational opportunities for the citizens of North Dakota, including an essential role in the establishment of a four-year medical school; and

**WHEREAS**, the University of North Dakota has announced that on May 6, 2003, an auditorium at the University of North Dakota School of Medicine and Health Sciences will be named in honor of Evan Lips;

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

That the Legislative Assembly recognizes former Senator Evan Lips for his countless contributions and unselfish dedication to a better North Dakota and nation and congratulates him on the naming of an auditorium at the University of North Dakota School of Medicine and Health Sciences in his honor; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to former Senator Evan Lips, to the president of the University of North Dakota, and to the dean of the University of North Dakota School of Medicine and Health Sciences.

Filed April 11, 2003



## CHAPTER 661

### SENATE CONCURRENT RESOLUTION NO. 4040

(Senators Stenehjem, O'Connell, Tollefson)

(Representatives Berg, Boucher, M. Klein)

(Approved by the Delayed Bills Committee)

### ARMED FORCES SUPPORTED AND HONORED

A concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

**WHEREAS**, the personnel of the Armed Forces of the United States are engaged in deadly combat with the forces of the Iraqi regime of President Saddam Hussein and in a greater war on terrorism around the world; and

**WHEREAS**, the sacrifice and honor of the personnel called to active military duty and the support and sacrifices of their families is deserving of the full measure of respect and appreciation of all North Dakotans, which should be conveyed so that the personnel called to active duty and their families have no doubt of the esteem for them in the hearts and minds of North Dakotans; and

**WHEREAS**, as in previous conflicts, a large number of North Dakotans are participating in war as members of the regular Armed Forces and as members of the North Dakota National Guard, so much so that North Dakota has a greater share of its population called from the reserves to active duty than any other state;

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

That the Fifty-eighth Legislative Assembly supports and honors the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice; and

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

Filed April 11, 2003