

# HOUSE CONCURRENT RESOLUTIONS

## CHAPTER 597

### HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)  
(Agriculture Committee)

### CONSISTENT GRAIN GRADING URGED

A concurrent resolution urging Congress to provide for a consistent system of grain grading based upon point-of-origin grain grading.

**WHEREAS**, the production and sale of grain directly impacts the economic well-being of farmers and country elevators, and indirectly impacts rural communities, the state, and the nation; and

**WHEREAS**, the efficient marketing of grain depends upon the consistent application of a grain grading system; and

**WHEREAS**, inconsistencies between the test results of grain that is first graded at country elevators and then graded at destination ports result in country elevators being placed at substantial financial risk; and

**WHEREAS**, grain grading standards that differ depending on where and to whom they are applied cause mistrust and raise concerns about the quality of American products; and

**WHEREAS**, the risk management grade should follow the Commodity Credit Corporation's grades for adjustments for crop insurance purposes;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to provide for a consistent system of grain grading based upon point-of-origin grain grading; and

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

Filed April 3, 2001

**CHAPTER 598****HOUSE CONCURRENT RESOLUTION NO. 3002**  
(Legislative Council)  
(Education Services Committee)**TITLE 15 COMPLETED REVISION STUDY**

A concurrent resolution directing the Legislative Council to study the completed revision of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education for the purpose of reconciling any inconsistencies or irregularities.

**WHEREAS**, the Legislative Assembly has reviewed and rewritten many of the laws relating to the provision of elementary and secondary education in this state; and

**WHEREAS**, many of these statutes had been adopted over the years without regard to their interrelationship and many of these statutes were duplicative, inconsistent, or illogically arranged; and

**WHEREAS**, many of the laws relating to the provision of elementary and secondary education in this state lack both clear objectives and directives for their administration; and

**WHEREAS**, although the Legislative Council conducted studies during the 1997-98 and 1999-2000 interims which resulted in recommendations for the revision of a substantial portion of Title 15, time did not permit a complete reconciliation of all inconsistencies and irregularities in these laws;

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

That the Legislative Council study the completed revision of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education for the purpose of reconciling any inconsistencies or irregularities; 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 599****HOUSE CONCURRENT RESOLUTION NO. 3003**

(Legislative Council)  
(Legislative Management Committee)

**LEGISLATIVE REDISTRICTING STUDY**

A concurrent resolution directing the Legislative Council to study and develop a legislative redistricting plan or plans for use in the 2002 primary election.

**WHEREAS**, the Legislative Assembly has the primary responsibility for legislative redistricting; and

**WHEREAS**, the demographic data necessary to complete the redistricting task must be based on the 2000 federal decennial census; and

**WHEREAS**, the results of the 2000 federal decennial census will not be available to the Legislative Assembly in sufficient time to permit the Legislative Assembly to consider a legislative redistricting plan during the regular session of the Fifty-seventh Legislative Assembly;

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

That the Legislative Council study legislative redistricting and develop a legislative redistricting plan or plans for use in the 2002 primary election; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation necessary to implement the recommendations, to a reconvened or special session of the Fifty-seventh Legislative Assembly.

Filed March 12, 2001

**CHAPTER 600****HOUSE CONCURRENT RESOLUTION NO. 3004**

(Legislative Council)  
(Taxation Committee)

**KYOTO PROTOCOL NONIMPLEMENTATION URGED**

A concurrent resolution urging Congress not to implement or allow implementation of the Kyoto Protocol because of the potentially disastrous impact on American agriculture.

**WHEREAS**, the 1997 Kyoto Protocol treaty on global warming called for reduction in emissions of carbon dioxide and certain other gases to at least seven percent below 1990 levels and application of carbon permit fees to fuel users in industrial countries; and

**WHEREAS**, the impact of the Kyoto Protocol on United States farmers would be devastating because of forced reliance on fuels and aggravation of the farm crisis from fuel cost increases that would come with implementation of the Kyoto Protocol; and

**WHEREAS**, federal policy should foster expansion and diversification of and investment in the United States agricultural economy, and these objectives would be impeded by fuel cost increases for United States farmers; and

**WHEREAS**, it should be possible to develop environmentally responsible policy to reduce greenhouse gas emissions without destroying the livelihood of those who make the United States the greatest food-producing nation in the world;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States not to implement or allow implementation of the Kyoto Protocol because of the potentially disastrous impact on American agriculture; and

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

Filed February 5, 2001

**CHAPTER 601****HOUSE CONCURRENT RESOLUTION NO. 3005**

(Representative Porter)  
(Senator Stenehjem)

**TRAFFIC OFFENSE FEES AND DEMERITS STUDY**

A concurrent resolution directing the Legislative Council to study the fees and point demerits for traffic offenses.

**WHEREAS**, the present system for the disposition of traffic offenses was created as the result of a Legislative Council study during the 1971-72 interim and has not been reviewed by the Legislative Council since the following interim; and

**WHEREAS**, since 1973 numerous individual changes have been made to the fee and point demerit system which have fundamentally altered the original design of the system; and

**WHEREAS**, the balancing of inequities between fees and demerit points for traffic offenses maintains fairness while maintaining the proper level of deterrence;

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

That the Legislative Council study the fees and point demerits for traffic offenses; 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-eighth Legislative Assembly.

Filed January 31, 2001

**CHAPTER 602****HOUSE CONCURRENT RESOLUTION NO. 3010**

(Representatives Onstad, S. Kelsh, Kroeber)  
(Senators Lyson, Wardner)

**PUBLIC HOUSING AUTHORITY PROPERTY TAX  
EXEMPTION STUDY**

A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

**WHEREAS**, the property of public housing authorities is exempt from taxation; and

**WHEREAS**, the tax exemption for property of public housing authorities is based on federal law as well as state statutory and constitutional authority; and

**WHEREAS**, public housing authorities acquire properties that have previously been on the tax rolls, which erodes the tax base for political subdivisions, particularly school districts; and

**WHEREAS**, the removal of property from property tax rolls shifts the tax burden to other taxpayers and loss of tax revenues reduces the quality of services provided to all property, including property of public housing authorities;

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

That the Legislative Council study the property tax exemption for public housing authorities; 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-eighth Legislative Assembly.

Filed March 22, 2001

## CHAPTER 603

### HOUSE CONCURRENT RESOLUTION NO. 3012

(Representatives Wald, Keiser, Timm)  
(Senators Lee, D. Mathern, Urlacher)

#### INTERNET TAX FREEDOM ACT EXTENSION OPPOSITION URGED

A concurrent resolution urging Congress to reject any attempt to extend the Internet Tax Freedom Act moratorium on imposition of state and local taxes on internet access and on electronic commerce transactions.

**WHEREAS**, in 1998 the 105th Congress passed and the President signed into law the Internet Tax Freedom Act, establishing a three-year moratorium on the imposition of any state and local tax on internet access, and on electronic commerce transactions, with the exception of existing laws in twelve states that were "grandfathered" into compliance by the Act; and

**WHEREAS**, the current moratorium expires October 21, 2001; and

**WHEREAS**, no state attempted or even announced any desire to tax internet access, or apply multiple or discriminatory taxes to the internet during the moratorium; and

**WHEREAS**, two of the original grandfathered states have by legislative action removed taxes on internet access; and

**WHEREAS**, several bills and amendments have been introduced in the 106th Congress to either make the moratorium on state and local taxes permanent or extend it for another two to ninety-nine years; and

**WHEREAS**, extending or making permanent the moratorium will pose grave financial risks for state and local governments as well as telecommunications industry providers; and

**WHEREAS**, with the increasing convergence of technologies and mergers of industry giants, the present definition of internet access may become inadequate to define exactly which communications technologies will fall into the category of internet access as soon as next year; and

**WHEREAS**, with the mergers of internet service providers and cable television and telephone companies, internet access may soon mean a consumer's monthly access to the internet includes telephone service and cable television, all of which the provider could bundle for one fee under the banner of internet access; and

**WHEREAS**, in such situations, state and local governments could see major reductions in revenues as existing state and local taxes on telecommunications services and cable television could fall under the moratorium and therefore be preempted by federal law; and

**WHEREAS**, the states' inability to collect these taxes will create an unfair competitive advantage for internet service providers at the expense of traditional telecommunications service providers and cable operators;

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

That the Fifty-seventh Legislative Assembly joins the National Conference of State Legislatures in urging Congress to reject any attempt to extend the Internet Tax Freedom Act moratorium on imposition of state and local taxes on internet access and on electronic commerce transactions and to oppose any federal action to preempt the sovereign and constitutional right of the states to determine their own tax policies in all areas, including telecommunications and electronic commerce; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be delivered to the President of the United States, the chairman of the House Judiciary Committee, the chairman of the Senate Commerce, Science, and Transportation Committee, and to each member of the North Dakota Congressional Delegation.

Filed March 22, 2001



**CHAPTER 604****HOUSE CONCURRENT RESOLUTION NO. 3013**

(Representative Kretschmar)

**HIGHWAY DESIGNATION STUDY**

A concurrent resolution directing the Legislative Council to study the designation of highways in the state highway system and the county road system.

**WHEREAS**, there are approximately 106,514 miles of roadway in the state of North Dakota, the largest portion of which are township roads at 56,566 miles; and

**WHEREAS**, the state highway system is limited to 7,456 miles and 7,378 miles are designated as in the system; and

**WHEREAS**, the county road system is limited to 22,500 miles and 10,145 miles are designated as in the system; and

**WHEREAS**, adequate funding for highways in this state is essential to the major industry in this state including agriculture and tourism;

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

That the Legislative Council study the designation of highways in the state highway system and the county road system; and

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

Filed March 12, 2001

**CHAPTER 605****HOUSE CONCURRENT RESOLUTION NO. 3015**  
(Representatives Weisz, DeKrey, Nelson)  
(Senator Klein)**SEPARATION OF POWERS STUDY**

A concurrent resolution directing the Legislative Council to study the separation of powers between the legislative, executive, and judicial branches and the distinction between the responsibilities of each branch.

**WHEREAS**, Section 26 of Article XI of the Constitution of North Dakota provides that the legislative, executive, and judicial branches are co-equal branches of government; and

**WHEREAS**, with the exception of the power of the people to propose and enact laws by the initiative, the sole legislative power of the state is vested in the Legislative Assembly, the judicial power of the state is vested in the courts, and the the administrative power of the state is vested in the executive branch; and

**WHEREAS**, the thoughtful and prudent exercise of these powers by each of these separate and coequal branches, with due respect and consideration for authority and responsibility of the other, is in the best interest of the people;

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

That the Legislative Council study the separation of powers between the legislative, executive, and judicial branches and the distinction between the responsibilities of each branch; 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-eighth Legislative Assembly.

Filed April 9, 2001

**CHAPTER 606****HOUSE CONCURRENT RESOLUTION NO. 3016**

(Representatives Kempenich, Brandenburg, Lemieux)  
(Senators Tollefson, Urlacher)

**GRAIN GRADING EQUIVALENCY URGED**

A concurrent resolution urging Congress to make grain grading for federal crop insurance more equivalent to industry standards.

**WHEREAS**, federal crop insurance is purchased as a risk management tool;  
and

**WHEREAS**, federal crop insurance does not adequately address the risks present in the production of wheat; and

**WHEREAS**, the industry uses stricter standards in discounting wheat to feed prices than those used for payment of federal crop insurance; and

**WHEREAS**, the industry deeply discounts or purchases at feed prices based upon many other factors besides the limited factors used for federal crop insurance;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to make grain grading for federal crop insurance more equivalent to industry standards; and

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

Filed April 9, 2001

**CHAPTER 607****HOUSE CONCURRENT RESOLUTION NO. 3017**

(Representatives Carlisle, DeKrey, Mahoney)  
(Senators C. Nelson, Traynor, Urlacher)

**INDIGENT DEFENSE AND PUBLIC DEFENDER  
SYSTEM STUDY**

A concurrent resolution directing the Legislative Council to study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system.

**WHEREAS**, the Legislative Assembly last considered the establishment of a different method of providing indigent defense services during the forty-third and forty-fourth legislative assemblies and the dynamics and requirements of providing these services have changed considerably since that time; and

**WHEREAS**, in response to litigation or increasing costs, other states have found it necessary to conduct studies or enact laws to address issues regarding the effective provision of legal representation for indigent criminal defendants; and

**WHEREAS**, costs associated with the indigent defense contract system administered by the North Dakota judicial branch continue to increase in greater proportion than most other costs of the judicial branch; and

**WHEREAS**, the current indigent defense contract system poses troubling, conflict-related issues concerning judge involvement in deciding when criminal defense expenses, such as expert witnesses, should be allowed while also presiding in cases involving indigent criminal defendants;

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

That the Legislative Council study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system; and

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

Filed April 3, 2001

## CHAPTER 608

### HOUSE CONCURRENT RESOLUTION NO. 3020

(Representatives Kasper, Byerly, Wald)  
(Senators Christmann, Espegard, Fischer)

### LAKE SAKAKAWEA PRIVATE ACCESS AND DEVELOPMENT URGED

A concurrent resolution urging the United States Army Corps of Engineers to promote private access to, private ownership of, and private development on lands it owns and manages around Lake Sakakawea, including the return of lakeshore lands that are contiguous to current tribal-owned land to the Three Affiliated Tribes and development and implementation of a water level policy that establishes and assures that Lake Sakakawea will have a stable water level.

**WHEREAS**, the Pick-Sloan Project, as authorized by the Flood Control Act of 1944, as amended, provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska, Missouri, and Kansas through construction of large reservoirs in states lying upstream from these states; and

**WHEREAS**, the Pick-Sloan Project reservoirs have been in place for many years, thus providing the states downstream from the Missouri River Basin all the benefits promised in the Pick-Sloan Project; and

**WHEREAS**, construction of facilities under the Pick-Sloan Project has, to date, resulted in over \$16.7 billion of flood protection to downstream interests and has allowed these downstream interests to develop the original floodplain of the Missouri River for industrial, municipal, and agricultural uses; and

**WHEREAS**, under the Pick-Sloan Project, North Dakota sacrificed over 550,000 acres of land which has meant the permanent loss of 2,641 jobs, \$45 million of annual personal income, and \$131 million of annual gross business volume; and

**WHEREAS**, most of the land surrounding Lake Sakakawea, which was created by Garrison Dam, is owned by the federal government and managed by the United States Army Corps of Engineers; and

**WHEREAS**, promoting private access and private development of this land would enhance this resource for the citizens of North Dakota;

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

That the Fifty-seventh Legislative Assembly urges the United States Army Corps of Engineers to promote private access to, private ownership of, and private development on lands it owns and manages around Lake Sakakawea, including the return of lakeshore lands that are contiguous to current tribal-owned land to the Three Affiliated Tribes and development and implementation of a water level policy

that establishes and assures that Lake Sakakawea will have a stable water level;  
and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of the Army; the Secretary of the Interior; the Division Engineer, Northwestern Division, United States Army Corps of Engineers; the District Engineer, Omaha District, United States Army Corps of Engineers; the Governor; each member of the State Water Commission; and each member of the North Dakota Congressional Delegation.

Filed March 22, 2001

**CHAPTER 609****HOUSE CONCURRENT RESOLUTION NO. 3021**

(Representatives Kasper, B. Thoreson, Wald)  
(Senators Espegard, Fischer, Robinson)

**DAKOTA WATER RESOURCES ACT FUNDING URGED**

A concurrent resolution expressing appreciation for passage of the Dakota Water Resources Act and urging Congress to fully fund the federal share of the water projects in that Act.

**WHEREAS**, North Dakota and its Indian tribes lost more than 500,000 acres of valuable river bottom lands as a result of construction of the Missouri River reservoirs under the federal Flood Control Act of 1944, causing an annual loss of millions of dollars in economic activity as well as other serious impacts to individuals, political subdivisions, and the state's Indian Nations; and

**WHEREAS**, operation of the Pick-Sloan Missouri River dams has caused extensive damage and erosion to the remaining riverbanks and sediment buildup in areas of the upper reaches of the Oahe and Garrison reservoirs; and

**WHEREAS**, North Dakota was assured by Congress in the federal Flood Control Act of 1944 that the loss of this valuable land and economic return would be offset by completion of the Garrison Diversion Unit; and

**WHEREAS**, project beneficiaries have not realized the promise of the Garrison Diversion Unit; and

**WHEREAS**, construction of the Garrison Diversion Unit has been delayed numerous times with construction costs increasing and the remaining benefits deferred with each delay; and

**WHEREAS**, primary sources of water for many communities across North Dakota, including on its Indian reservations, are unsafe and of poor quality and a safe, reliable supply of water is necessary to preserve and improve the quality of life in rural North Dakota, and projects such as the Southwest Water Pipeline Project, the Northwest Area Water Supply Project, and other systems now being developed are needed to meet water supply needs; and

**WHEREAS**, failure to provide long-term water supply and management across North Dakota will jeopardize future economic opportunities dependent on water, including industry, agricultural processing, manufacturing, municipal growth, recreation, and fish and wildlife, and that failure will adversely affect the entire state; and

**WHEREAS**, the Red River Basin needs a dependable supply of water for the cities of Fargo and Grand Forks, smaller communities, rural water systems, industry, agricultural processing, manufacturing, and other purposes, and to protect and enhance the economic stability and quality of life for the growing population of the Red River Basin; and

**WHEREAS**, the Dakota Water Resources Act proposes an objective analysis of the best ways to meet those needs and authorizes federal funding to implement the solution; and

**WHEREAS**, the Dakota Water Resources Act provides immediate funding authority for the Native American and rural areas of the state through the existing municipal, rural, and industrial grant program; and

**WHEREAS**, under the Dakota Water Resources Act, the state of North Dakota will be required to provide cost share or repayment and operation and maintenance expenses for delivery of water to the Red River Valley;

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

That the Fifty-seventh Legislative Assembly expresses appreciation for passage of the Dakota Water Resources Act and urges the Congress of the United States to fully fund the federal share of the water projects in that Act; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, the Secretary of the Interior, the chairman of the Three Affiliated Tribes, the chairman of the Standing Rock Sioux Tribe, and each member of the North Dakota Congressional Delegation.

Filed March 22, 2001



## CHAPTER 610

### HOUSE CONCURRENT RESOLUTION NO. 3022

(Representatives Drovdal, Hanson, Porter)  
(Senators Lyson, Wardner)

#### ELK RETENTION STUDY

A concurrent resolution directing the Legislative Council to study the use of incentive programs in North Dakota as a way of keeping elk in the state and providing increased opportunities for landowners, hunters, and the general public.

**WHEREAS**, on at least two separate occasions within the last ten years, "surplus" elk have been exported from the state of North Dakota; and

**WHEREAS**, under current elk management regulations, the vast majority of the people of North Dakota have only a once-in-a-lifetime chance of getting a permit to hunt elk within the state; and

**WHEREAS**, the strong demand for elk permits was clearly evident in the year 2000 when there were 11,951 applications received by the Game and Fish Department and only 204 permits made available; and

**WHEREAS**, exportation of elk from the state denies our residents the future opportunity to hunt, observe, and otherwise benefit from these majestic animals; and

**WHEREAS**, the elk population of the South Unit of Theodore Roosevelt National Park periodically exceeds acceptable carrying capacity based upon National Park Service guidelines, thus forcing a determination of where to translocate "surplus" animals; and

**WHEREAS**, there are tens of thousands of acres of public land in North Dakota with suitable habitat to which "surplus" elk could be translocated; and

**WHEREAS**, there exists a memorandum of understanding between the National Park Service, the Game and Fish Department, and other agencies that gives the Game and Fish Department the first option to accept management of said "surplus" elk; and

**WHEREAS**, there are a number of states that have designed and implemented custom-tailored programs with incentives to facilitate acceptable solutions to wildlife management issues such as the "surplus" elk issue in North Dakota; and

**WHEREAS**, the people of North Dakota strongly value their hunting heritage, as evidenced by an overwhelming 80 percent approval of the recent amendment to the Constitution of North Dakota related to that heritage;

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

That the Legislative Council study the use of incentive programs implemented in other states that would allow the retention of "surplus" elk and also benefit other wildlife species, incentive programs to enhance landowner tolerance of wildlife and to provide economic benefit opportunities to landowners while increasing access to private land for public hunting, effectiveness of incentive programs to foster a spirit of cooperation between landowners, sportsmen, and regulatory agencies in collaborative wildlife management efforts, and disease concerns associated with the translocation of free ranging wildlife; 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-eighth Legislative Assembly.

Filed March 22, 2001

## CHAPTER 611

### HOUSE CONCURRENT RESOLUTION NO. 3023

(Representatives Kerzman, Kretschmar)  
(Senator Wardner)

#### AGRICULTURAL EASEMENTS STUDY

A concurrent resolution directing the Legislative Council to study the use of easements to protect agricultural and other lands in North Dakota.

**WHEREAS**, North Dakota is among the nation's most rural and agricultural states with a proud heritage of being part of the "Breadbasket of the nation and the entire world"; and

**WHEREAS**, more than 88 percent of the state's lands are in private ownership and the state's agrarian history places a high value on the rights of private property owners to make their own decisions concerning their property; and

**WHEREAS**, farmland and rangeland provide the basis for our state's agriculture and a wide array of cereal grains, vegetables, domestic animals, wildlife, other commodities, recreational experiences, and opportunities; and

**WHEREAS**, these farmlands and rangelands are limited and there are increasing pressures on the state's privately owned land for commercial use, recreational use, urban expansion, including subdivision and business development, conservation, recreational home development, and other purposes; and

**WHEREAS**, these growing nonagricultural uses in some areas of the state are increasing land values beyond what a new generation of farmers and ranchers can afford; and

**WHEREAS**, agricultural uses and recreational values of land around the state's major cities and in unique areas such as the Badlands, the Missouri River corridor, and the Sheyenne River Valley are potentially threatened by development pressures; and

**WHEREAS**, interpretation of certain types of easements have resulted in the loss of management authority for landowners; and

**WHEREAS**, there is a concern that perpetual easements will handicap future generations in their management decisions; and

**WHEREAS**, in 1982, the National Conference of Commissioners on Uniform State Laws developed a uniform act that authorizes the use of easements to deal with the issues of protecting agricultural, recreational, cultural, scenic, and other values of land, and nearly all of the fifty states, except North Dakota, have enacted some form of this proposed legislation; and

**WHEREAS**, easements have offered a number of states a new system for dealing with managing serious flood and water management issues such as those that exist in the Red River Valley of eastern North Dakota;

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

That the Legislative Council study the use of easements to protect agricultural and other lands, the effectiveness of easements in assisting landowners in their decisionmaking related to the future of their property, and the experience of other state, regional, and national efforts to protect agricultural and other lands including cropland, rangeland, forested lands, wetlands, riparian land, and cultural and scenic 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-eighth Legislative Assembly.

Filed March 22, 2001

## CHAPTER 612

### HOUSE CONCURRENT RESOLUTION NO. 3024

(Representatives Koppang, Grumbo, Hawken, Skarphol)  
(Senators Freborg, O'Connell)

### CHILDREN WITH DISABILITIES EDUCATION FUNDING INCREASE URGED

A concurrent resolution urging Congress to raise the level of federal funding for the education of children with disabilities.

**WHEREAS**, Congress has enacted legislation to ensure that all children with disabilities have available to them a free appropriate public education, to protect the rights of children with disabilities and their parents or guardians, to assist states and localities in providing for the education of all children with disabilities, and to assess and ensure the effectiveness of efforts to educate children with disabilities; and

**WHEREAS**, although Congress has declared that state and local education agencies have a responsibility to provide education for all children with disabilities, state and local financial resources are inadequate to meet the special education needs of children with disabilities; and

**WHEREAS**, on November 19, 1975, Congress enacted the Education For All Handicapped Children Act, which, after being amended in 1991, is known as the Individuals With Disabilities Education Act; and

**WHEREAS**, Congress included a graduated formula for determining state entitlement and provided that for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, the federal funding level was to be set at 40 percent of the average per student expenditure in public elementary and secondary schools in the United States; and

**WHEREAS**, the most recent level of federal funding received by this state for the education of children with disabilities is one-third of the 40 percent target level set by Congress; and

**WHEREAS**, the Legislative Assembly of North Dakota supports the goal of providing full educational opportunity to all children with disabilities and recognizes that in meeting this goal, many school districts in the state incur financial hardships; and

**WHEREAS**, budget surpluses in recent years could be used to raise the level of federal funding for special education;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to raise the level of federal funding for the education of children with disabilities; 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 Department of Education, to the chairman of the Senate Labor and Human Resources Committee, to the chairman of the House Economic and Educational Opportunities Committee, and to each member of the North Dakota Congressional Delegation.

Filed March 22, 2001

**CHAPTER 613****HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representatives Ekstrom, Boucher, Gulleson, S. Kelsh, Mueller)  
(Senator Krauter)

**WIND ENERGY DEVELOPMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of wind energy development in North Dakota.

**WHEREAS**, wind power is a renewable and nonpolluting source of energy;  
and

**WHEREAS**, several studies have concluded that North Dakota has the greatest potential for wind energy development in the United States; and

**WHEREAS**, wind energy projects could provide North Dakota agricultural producers with an additional source of income from wind generation without interfering with their agricultural operations; and

**WHEREAS**, wind energy projects may increase general economic activity in the state including construction of wind energy projects, landowner income, creation of long-term jobs from constructing and servicing wind generation facilities and the manufacturing of wind turbine components; and

**WHEREAS**, the use of public lands should be studied to determine whether these lands may be used for wind energy projects; and

**WHEREAS**, transmission constraints may exist that would hinder the export of electricity generated from wind turbines located in North Dakota;

**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 wind energy development 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 614****HOUSE CONCURRENT RESOLUTION NO. 3027**

(Representatives Schmidt, Boucher, Nicholas)  
(Senators Tomac, Wanzek, Wardner)

**INTERNATIONAL TRADE INEQUITIES CORRECTION  
URGED**

A concurrent resolution urging Congress to correct the inequities of international trade policy.

**WHEREAS**, a variety of international trade policies have inequitable impacts on citizens of North Dakota, including the North American Free Trade Agreement, the General Agreement on Tariffs and Trade, and Environmental Protection Agency rules; and

**WHEREAS**, the breadth of the areas impacted by international trade policies is immense and includes access to prescription drugs, availability and use of agricultural chemicals, access to medical and dental services, agricultural commodity markets, and availability of construction materials; and

**WHEREAS**, correction of these inequities of international trade policies need not harm the citizens of our neighboring countries; and

**WHEREAS**, although the problems related to inequitable international trade policies are felt by citizens across the nation, these problems are more acutely felt by citizens of border states such as North Dakota;

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

That the Fifty-seventh Legislative Assembly urges Congress to correct the inequities of international trade policy; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Trade Representative, Director-General of the World Trade Organization, the Administrator of the United States Environmental Protection Agency, the Secretary of the United States Department of Agriculture, the Secretary of the United States Commerce Department, and to each member of the North Dakota Congressional Delegation.

Filed April 9, 2001



**CHAPTER 615****HOUSE CONCURRENT RESOLUTION NO. 3029**

(Representatives Wentz, Carlisle, Timm, Wrangham)  
(Senators Bercier, Schobinger)

**VETERANS OF FOREIGN WARS MEMORIAL  
HIGHWAY DESIGNATED**

A concurrent resolution designating United States Highway 83 through the state of North Dakota as the "Veterans of Foreign Wars Memorial Highway".

**WHEREAS**, United States Highway 83 extends from the Mexican border at Brownsville, Texas, to the Canadian border near Westhope, North Dakota, across the states of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and

**WHEREAS**, many veterans have fought bravely and courageously in foreign wars for which the residents of this state owe a debt of gratitude; and

**WHEREAS**, Nebraska has designated United States Highway 83 through that state as the "Veterans of Foreign Wars Memorial Highway"; and

**WHEREAS**, North Dakota can join Nebraska and lead the way in honoring the sacrifice of veterans of foreign wars; and

**WHEREAS**, the six states in the nation's mid-section through which United States Highway 83 runs may consider the designation "Veterans of Foreign Wars Memorial Highway";

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

That in honor of the veterans of foreign wars, United States Highway 83 through the state of North Dakota is designated as the "Veterans of Foreign Wars Memorial Highway".

Filed March 22, 2001

**CHAPTER 616****HOUSE CONCURRENT RESOLUTION NO. 3030**

(Representatives Porter, Berg, Drovdal, Galvin, Pollert, Severson)

**MEDICARE REIMBURSEMENT INCREASE AND RATE  
EQUALIZATION URGED**

A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget surplus to equalize Medicare rates within North Dakota and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule.

**WHEREAS**, North Dakota's Medicare recipients are entitled to the same health care services as other senior citizens in the United States; and

**WHEREAS**, Medicare has historically reimbursed rural health care providers at a considerably lower rate than urban health care providers; and

**WHEREAS**, there is great disparity of reimbursement among North Dakota providers; and

**WHEREAS**, home health care is an integral service in North Dakota which allows individuals to be expediently discharged from acute care facilities, thereby allowing individuals to be cared for at home and to avoid nursing homes; and

**WHEREAS**, Congress is proposing implementation of a Medicare ambulance reimbursement fee schedule that will negatively affect ambulance services across the state; and

**WHEREAS**, there is a need for access to emergency care and primary care in rural North Dakota which is jeopardized by inadequate Medicare reimbursement;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget surplus to equalize Medicare rates within North Dakota and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule; and

**BE IT FURTHER RESOLVED**, that the Fifty-seventh Legislative Assembly invites the United States Senate Finance Committee to meet in North Dakota to address these concerns related to Medicare; and

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

Filed March 29, 2001

**CHAPTER 617****HOUSE CONCURRENT RESOLUTION NO. 3031**

(Representatives Carlson, Grande, Koppelman, Wald)

**TAX LEVY OR INCREASE PROHIBITION  
AMENDMENT URGED**

A concurrent resolution making application to Congress to submit to the states an amendment to the Constitution of the United States to prohibit the United States Supreme Court and any federal court from ordering a state or political subdivision to levy or increase taxes.

**WHEREAS**, the Constitution of the United States reserves to the states a broad range of powers and the power of the federal government is strictly limited with regard to powers reserved to the states; and

**WHEREAS**, under the Constitution of the United States, the states are given full authority over state and local government tax policy; and

**WHEREAS**, it is the duty of the judiciary to interpret the law, not to create law; and

**WHEREAS**, our present federal government has strayed from the intent of our founding fathers and the Constitution of the United States through inappropriate federal mandates; and

**WHEREAS**, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

**WHEREAS**, these court actions violate the Constitution of the United States; and

**WHEREAS**, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them;

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

1. That the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political

subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.
3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the Constitution of the United States, and apply to the United States Congress to propose such an amendment to the Constitution of the United States.
4. That the Secretary of State transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

Filed March 22, 2001

## CHAPTER 618

### HOUSE CONCURRENT RESOLUTION NO. 3033

(Representatives Monson, Huether, D. Johnson, R. Kelsch, Lemieux, Nelson)

## INDUSTRIAL HEMP PRODUCTION AUTHORIZATION URGED

A concurrent resolution urging Congress to acknowledge the difference between marijuana and industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry.

**WHEREAS**, industrial hemp refers to varieties of the cannabis plant which have a low content of tetrahydrocannabinol (THC) and which are cultivated for fiber and oil; and

**WHEREAS**, industrial hemp should not be confused with varieties of cannabis which have a high content of tetrahydrocannabinol (THC) and which are commonly referred to as marijuana; and

**WHEREAS**, the commercial production and cultivation of industrial hemp is now permitted in Canada, under licenses and authorizations issued by Health Canada; and

**WHEREAS**, Health Canada controls, through rules, all activities relating to the importation, exportation, possession, production, sale, provision, transport, sending, delivering, and offering for sale of industrial hemp; and

**WHEREAS**, industrial hemp is grown legally throughout Europe and Asia; and

**WHEREAS**, many farmers facing uncertain times in the agricultural marketplace view the reintroduction of industrial hemp as another potential alternative crop that will have long-term economic benefits to the farmers who produce the hemp and the persons who utilize hemp in the production of textiles, paper products, concrete reinforcement, automobile parts, plastics, cosmetics, organic foods, and natural body products; and

**WHEREAS**, Congress never originally intended to prohibit the production of industrial hemp when restricting the production, possession, and use of marijuana;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to acknowledge the difference between marijuana and industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and

to assist United States producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry; 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 Agriculture, the administrator of the United States Department of Justice Drug Enforcement Administration, the director of the Office of the National Drug Control Policy, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation.

Filed April 3, 2001

**CHAPTER 619****HOUSE CONCURRENT RESOLUTION NO. 3034**

(Representative Boucher)  
(Senator Cook)

**DISABILITY AND SUPPLEMENTAL SECURITY  
INSURANCE OFFSET ELIMINATION URGED**

A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation permanent partial impairment benefits.

**WHEREAS**, employees who are injured and dependents of employees who are killed in the course of working for North Dakota employers receive workers' compensation benefits; and

**WHEREAS**, more than 700 employees or dependents who receive workers' compensation benefits also qualify for Social Security disability insurance benefits if the employees are totally disabled and supplemental security insurance benefits based on financial need; and

**WHEREAS**, federal law [42 U.S.C. 424a] provides for a reduction in Social Security disability insurance benefits to those persons who are totally disabled and who receive workers' compensation benefits; and

**WHEREAS**, federal law [42 U.S.C. 1382a] provides for a reduction in supplemental security insurance benefits to those persons who receive workers' compensation benefits notwithstanding the financial need of those people and their families; and

**WHEREAS**, an employee injured on the job may receive a permanent partial impairment benefit from the North Dakota Workers Compensation Bureau based on the injured worker's loss of use of a body part due to the work injury; and

**WHEREAS**, unlike other states, a permanent partial impairment award in North Dakota is not based on wages lost or on the worker's ability to do his or her job; and

**WHEREAS**, the Social Security Administration also offsets North Dakota workers' compensation permanent partial impairment awards against social security disability payments even though the permanent partial impairment awards are not disability benefits; and

**WHEREAS**, the offset of permanent partial impairment awards results in a substantial loss of benefits to the injured worker;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to eliminate the Social Security disability insurance offset and supplemental



security insurance offset for recipients of workers' compensation permanent partial impairment benefits; and

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

Filed April 3, 2001

**CHAPTER 620****HOUSE CONCURRENT RESOLUTION NO. 3035**  
(Representatives Fairfield, Boehm, Kerzman, Lemieux)  
(Senators Bowman, Tomac)**MEATPACKER LIVESTOCK CONTROL PROHIBITION  
URGED**

A concurrent resolution urging Congress to support efforts to prohibit meatpackers from owning, feeding, or controlling livestock for more than 14 days before slaughter and to amend the federal Packers and Stockyards Act to accomplish this goal.

**WHEREAS**, the top four firms in steer and heifer slaughter control over 80 percent of the market;

**WHEREAS**, this market share evidences more than double the concentration of economic power these entities had just 15 years ago;

**WHEREAS**, when four packing firms have such a large share of the market, their individual procurement decisions and practices affect the prices paid to producers;

**WHEREAS**, research strongly suggests that significantly depressed market prices have accompanied increases in concentration in regional livestock markets; and

**WHEREAS**, competitive, fair, and open livestock markets are fundamental to the economic survival of family farms;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to support efforts to prohibit meatpackers from owning, feeding, or controlling livestock for more than 14 days before slaughter and to amend the federal Packers and Stockyards Act to accomplish this goal; and

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

Filed April 9, 2001

**CHAPTER 621****HOUSE CONCURRENT RESOLUTION NO. 3036**

(Representatives B. Thoreson, Clark, Kasper, Weiler)  
(Senator Robinson)

**AARON RASH CRIME LAB DESIGNATED**

A concurrent resolution designating the state crime laboratory building as the "Aaron Rash Crime Lab".

**WHEREAS**, Aaron Rash served the state of North Dakota and its people honorably as chief chemist at the state crime laboratory from 1961 until 1998 and as state toxicologist from 1998 until his retirement in August 2000; and

**WHEREAS**, the talents of Aaron Rash were invaluable to law enforcement in this state; and

**WHEREAS**, designating the state crime laboratory building as the "Aaron Rash Crime Lab" would be an appropriate expression of the appreciation of the people of North Dakota for the dedicated service of Aaron Rash;

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

That in honor of Aaron Rash's 39 years of dedicated service to the state of North Dakota and its people, the state crime laboratory building is hereby designated as the "Aaron Rash Crime Lab"; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to Aaron Rash and to the State Health Officer.

Filed April 3, 2001

**CHAPTER 622****HOUSE CONCURRENT RESOLUTION NO. 3037**

(Representatives Mahoney, Onstad, Wikenheiser)  
(Senators Tomac, Urlacher, Wardner)

**CULTURAL OR PALEONTOLOGICAL RESOURCE  
ROAD IMPACT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects.

**WHEREAS**, the unexpected discovery of cultural or paleontological resources after a local road project has begun can create an enormous fiscal burden on the local road authority; and

**WHEREAS**, the local road authority has almost no control over the extent of investigation that results and has few options except termination or redesign of the project upon discovery of unexpected cultural or paleontological resources; and

**WHEREAS**, a cost-sharing or funding mechanism including appropriate state agencies and the local road authority would diffuse the risk of unexpectedly discovering cultural or paleontological 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 creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects; and

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

Filed March 29, 2001

**CHAPTER 623****HOUSE CONCURRENT RESOLUTION NO. 3039**

(Representatives Disrud, Wikenheiser)  
(Senator Urlacher)

**ELECTION LAW STUDY**

A concurrent resolution to encourage the Secretary of State to appoint a committee to conduct a comprehensive study of North Dakota election laws.

**WHEREAS**, it has been at least 10 years since the last comprehensive study of election laws in this state; and

**WHEREAS**, the presidential controversy debacle in Florida illustrates the need for regular comprehensive reviews of election laws and procedures; and

**WHEREAS**, rapidly evolving election technologies are paving the way for dramatic changes in voting and election procedures; and

**WHEREAS**, the Secretary of State, in his role as the state's chief election officer, is the individual best suited to undertake a comprehensive study of election laws in this state;

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

That the Legislative Assembly encourages the Secretary of State to appoint a committee to conduct a comprehensive study of North Dakota election laws; and

**BE IT FURTHER RESOLVED**, that if the Secretary of State appoints such a committee, the committee should include representation from cities, counties, townships, school districts, political parties, voter advocacy groups, disability groups, and the technology sector; and

**BE IT FURTHER RESOLVED**, that if the Secretary of State appoints such a committee, the Legislative Council be authorized to appoint up to four members of the Legislative Assembly to the committee, with members from the majority and minority parties and from the House of Representatives and the Senate; and

**BE IT FURTHER RESOLVED**, that if the Secretary of State appoints such a committee, the committee conclude its deliberations so that the Secretary of State may recommend any necessary statutory changes to the Fifty-eighth Legislative Assembly.

Filed April 9, 2001

**CHAPTER 624****HOUSE CONCURRENT RESOLUTION NO. 3042**

(Representatives Lemieux, Brandenburg, D. Johnson)

**CANADIAN CROP PROTECTION PRODUCT USE  
AUTHORIZATION URGED**

A concurrent resolution urging Congress to ensure the economic viability and competitiveness of American farmers by adopting legislation that would grant states the authority to issue state registrations to parties who wish to import Canadian crop protection products that are identical or substantially similar to products registered with the Environmental Protection Agency for use in the United States.

**WHEREAS**, agriculture plays an important role in the economic viability and culture of the state of North Dakota; and

**WHEREAS**, crop protection products are used to produce high-quality and safe commodities marketed nationally and internationally; and

**WHEREAS**, farmers in this state use crop protection products in a safe and responsible manner; and

**WHEREAS**, farmers need access to crop protection products as those available to Canadian producers to be competitive and economically viable; and

**WHEREAS**, North Dakota farmers are prohibited by federal law and regulations to import and use Canadian crop protection products without the consent of the product registrant;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to adopt legislation granting states the authority to issue state registrations to parties who wish to import Canadian crop protection products that are identical or substantially similar to products registered with the Environmental Protection Agency for use in the United States; and

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

Filed April 9, 2001

**CHAPTER 625****HOUSE CONCURRENT RESOLUTION NO. 3043**

(Representative Keiser)

**FISCAL NOTE PROCESS STUDY**

A concurrent resolution directing the Legislative Council to study the fiscal note process.

**WHEREAS**, legislative rules require fiscal notes to be attached to measures that have a potential impact on revenues or expenditures of the state, cities, counties, and school districts; and

**WHEREAS**, a fiscal note is requested of a state agency determined to be in the best position to estimate the impact of proposed legislation; and

**WHEREAS**, it is essential to decisions of the Legislative Assembly to be able to rely upon accurate and unbiased preparation of fiscal notes; and

**WHEREAS**, careful examination of past fiscal notes should be undertaken to determine whether fiscal notes are accurate and unbiased and whether improvements could be made in the process or reliability of fiscal notes for the benefit of 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 fiscal note process; and

**BE IT FURTHER RESOLVED**, that in conducting this study, the Legislative Council may use the services of the State Auditor in auditing from a financial and performance-based standpoint a representative sampling of fiscal notes that have been prepared on recent legislation; 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 626****HOUSE CONCURRENT RESOLUTION NO. 3044**

(Representatives Sandvig, Carlson, B. Thoreson)  
(Senators Krauter, T. Mathern, O'Connell)

**PUTATIVE FATHERS' ADOPTION REGISTRY  
ESTABLISHMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a putative fathers' adoption registry.

**WHEREAS**, a "putative father" is a man who may be a child's father, but who was not married to the child's mother before the child was born and has not established the fact that he is the father in a court proceeding; and

**WHEREAS**, in most cases, North Dakota law requires that both parents give consent to an adoption; and

**WHEREAS**, a putative fathers' adoption registry could serve to protect the legal rights of the father as well as simplify the process for families that want to adopt and for adoption social workers and other professionals who must make sure that a child is "legally free" for adoption; and

**WHEREAS**, a number of states, including Alabama, Arizona, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, and New Mexico have enacted legislation to create a putative fathers' adoption registry;

**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 putative fathers' adoption registry; 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-eighth Legislative Assembly.

Filed April 3, 2001



**CHAPTER 627****HOUSE CONCURRENT RESOLUTION NO. 3047**

(Representatives Herbel, Kingsbury)

**AGRICULTURAL PROPERTY ASSESSMENT AND  
VALUATION STUDY**

A concurrent resolution directing the Legislative Council to study the property tax assessment and valuation of agricultural property.

**WHEREAS**, since 1981 agricultural property in the state has been assessed for property tax purposes pursuant to a statutory formula intended to determine its agricultural productivity; and

**WHEREAS**, the valuation method for agricultural property was intended to be based in large part upon detailed soils surveys, which have not been completed; and

**WHEREAS**, the validity of agricultural property assessments under the productivity formula is increasingly being questioned by farmers whose incomes and property market values have declined while property tax valuations have increased; and

**WHEREAS**, fluctuations in agricultural property assessments have not been uniform across the state and thorough examination is needed to determine whether the productivity formula results in appropriate valuations of agricultural property for property tax purposes;

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

That the Legislative Council study the property tax assessment and valuation of agricultural property; and

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

Filed March 22, 2001

**CHAPTER 628****HOUSE CONCURRENT RESOLUTION NO. 3048**

(Representatives Sandvig, Disrud, Wentz)  
(Senators Christenson, D. Mathern, Watne)

**DIVISION OF WOMEN'S HEALTH CREATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a State Department of Health Division of Women's Health and an Advisory Committee on Women's Health.

**WHEREAS**, certain health issues are unique to women, such as certain reproductive issues, menopause, and postmenopausal phases of a woman's life and certain diseases significantly affect women, such as heart disease, cancer, and osteoporosis; and

**WHEREAS**, studies indicate early diagnosis and treatment of health issues are beneficial to successful treatment and are related to decreased long-term treatment cost; and

**WHEREAS**, in 1999 the general assembly of the state of Indiana enacted legislation creating an office of women's health and advisory committee on women's health;

**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 creating a State Department of Health Division of Women's Health and an Advisory Committee on Women's Health; and

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

Filed April 9, 2001

**CHAPTER 629****HOUSE CONCURRENT RESOLUTION NO. 3050**

(Representatives Sandvig, Devlin, Weisz)  
(Senators Fischer, Kilzer, Thane)

**DEPARTMENT OF HUMAN SERVICES  
ORGANIZATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of realigning the divisions within the Department of Human Services or moving some divisions or functions to the Department of Health or other state agencies.

**WHEREAS**, the budget for the department of human services is in excess of \$1.3 billion; and

**WHEREAS**, the current organization of the department can be confusing and intimidating for those in need of services, especially the elderly and the disabled; and

**WHEREAS**, the elderly, the disabled, and other clients of the Department of Human Services may be better served through restructuring; and

**WHEREAS**, a study of realigning divisions and restructuring the Department of Human Services may lead to more effective and cost-efficient ways of providing 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 realigning the divisions within the Department of Human Services or moving some divisions or functions to the Department of Health or other 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 630****HOUSE CONCURRENT RESOLUTION NO. 3052**  
(Representatives Hawken, Hanson, R. Kelsch)  
(Senators Cook, Solberg)**SCHOOL DISTRICT TRANSPORTATION STUDY**

A concurrent resolution directing the Legislative Council to study issues of safety, efficiency, and cost-effectiveness with respect to school district transportation.

**WHEREAS**, both urban and rural school districts are faced with issues regarding the transportation of students; and

**WHEREAS**, it is anticipated that approximately \$36 million will be expended by the state as transportation reimbursement to school districts during the 2001-03 biennium; and

**WHEREAS**, school districts expend local funds as well as moneys provided by the state for expenditures incurred in the transportation of students; and

**WHEREAS**, it is in the best interests of the students, the school districts, and the taxpayers of this state that transportation of students be safe, efficient, and cost-effective;

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

That the Legislative Council study issues of safety, efficiency, and cost-effectiveness with respect to school district transportation; 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-eighth Legislative Assembly.

Filed March 22, 2001

**CHAPTER 631****HOUSE CONCURRENT RESOLUTION NO. 3054**

(Representatives Devlin, Price, Severson, Weisz)  
(Senators Fischer, Lee)

**PARENTAL RESPONSIBILITY AND PARENTING TIME  
TERM USE STUDY**

A concurrent resolution directing the Legislative Council to study the impact on domestic relations law of using the term "parental responsibility" in lieu of "custody" and "parenting time" in lieu of "visitation".

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

**WHEREAS**, the existing judicial system provides for an adversarial proceeding for domestic relations cases which often compounds the negative impact of family dissolutions; and

**WHEREAS**, state law provides that a mother and father have equal rights with regard to the care, custody, education, and control of the children of the marriage; and

**WHEREAS**, the concept of mutual parental responsibility should be encouraged; and

**WHEREAS**, typically, the most acrimonious portion of a divorce proceeding involves the custody and visitation issues; and

**WHEREAS**, as used in domestic relations law, the terms "custody" and "visitation" have the effect of alienating parties;

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

That the Legislative Council study the impact on domestic relations law of using the term "parental responsibility" in lieu of "custody" and "parenting time" in lieu of "visitation"; 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 632****HOUSE CONCURRENT RESOLUTION NO. 3055**

(Representatives Winrich, Carlson, Fairfield, Hawken)

**ECONOMIC DEVELOPMENT INCENTIVES STUDY**

A concurrent resolution directing the Legislative Council to study the effectiveness of various economic development incentives and the feasibility and desirability of creating a reporting system that assists in compiling a complete inventory of economic development incentive programs and in evaluating the effectiveness of the programs.

**WHEREAS**, the state and many of its political subdivisions offer various economic development incentive programs, including grants to businesses, subsidized loans, and preferential tax treatment such as tax increment financing programs, tax exemptions, and tax abatements; and

**WHEREAS**, although economic development incentive programs account for significant expenditures of public funds at the state and local level, these programs are not subject to uniform and comprehensive reporting procedures that would allow for careful evaluation of the efficiency of the various programs; and

**WHEREAS**, although there is anecdotal evidence of economic development incentive program successes and failures, there is very little hard evidence regarding the successes and failures;

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

That the Legislative Council study the effectiveness of various economic development incentives and the feasibility and desirability of creating a reporting system that assists in compiling a complete inventory of economic development incentive programs and in evaluating the effectiveness of the 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-eighth Legislative Assembly.

Filed March 22, 2001

**CHAPTER 633****HOUSE CONCURRENT RESOLUTION NO. 3056**

(Representatives Boucher, Belter, Pollert, Weisz)  
(Senators Krauter, G. Nelson)

**TRANSPORTATION INFRASTRUCTURE STUDY**

A concurrent resolution directing the Legislative Council to study the state of and future demands on the transportation infrastructure in this state.

**WHEREAS**, transportation infrastructure includes the roads, airport facilities and airline service, service by railroads, and other forms of transportation; and

**WHEREAS**, the economic well-being of this state, as advanced by agriculture, tourism, technology, or other business ventures, requires an adequate transportation infrastructure and guaranties of the future adequacy of the transportation infrastructure to develop and continue to grow within this state; and

**WHEREAS**, any decision on how to invest in the transportation infrastructure of this state requires a review of the capacity, needs, and the role of each form of transportation at present and in the future to promote and protect the development of business and industry within this state; and

**WHEREAS**, a comprehensive plan to address future needs in the transportation infrastructure should include 5-, 10-, 25-, and 50-year plans;

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

That the Legislative Council study the state of and future demands on the transportation infrastructure 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 634****HOUSE CONCURRENT RESOLUTION NO. 3057**

(Representatives Boucher, Belter, S. Kelsh)  
(Senators Krauter, G. Nelson)

**STATE TECHNOLOGICAL CAPACITY AND NEEDS  
STUDY**

A concurrent resolution directing the Legislative Council to study the technological capacity and needs of the state.

**WHEREAS**, the technological capacity and needs of the state are changing rapidly and a comprehensive review of the capacity and needs of the state is necessary to ensure the progress of development in the state; and

**WHEREAS**, the technological capacity and needs in various regions of the state differ greatly; and

**WHEREAS**, a comprehensive review of technological trends and an examination of future needs and trends will aid policymakers in moving the state forward in the 21st century;

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

That the Legislative Council study the technological capacity and needs of the state; and

**BE IT FURTHER RESOLVED**, that the study include an analysis of state, national, and global trends, an examination of the future short-term and long-term needs of the state, a review of the development capacity and needs in the various regions of the state, an analysis of changes in the role of communications, media, networks, and public utilities, including electric and telecommunications, and a review of the public policy with respect to the role of regulation and deregulation; 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-eighth Legislative Assembly.

Filed March 22, 2001



**CHAPTER 635****HOUSE CONCURRENT RESOLUTION NO. 3058**

(Representatives Boucher, Belter, Devlin, Wald)  
(Senators Krauter, G. Nelson)

**HEALTH CARE SERVICES DELIVERY STUDY**

A concurrent resolution directing the Legislative Council to study current and 5-, 10-, 25-, and 50-year projections of the delivery of health care services in the state, including the capacity, distribution, and accessibility of the system of providing health services; the changing dynamics of delivery and funding of health services; possible health care services strategies to better serve residents; the role of health care services in future development in this state; and the effects of having inadequate reimbursement in this state, including the impact of inadequate reimbursement on the continued availability, viability, and financial stability of health care.

**WHEREAS**, health services are delivered through a broad range of providers, including private providers, not-for-profit providers, and through federal, state, and local governments; and

**WHEREAS**, the method of delivery of health services has changed dramatically over the past generation and will likely change dramatically over the next generation; and

**WHEREAS**, inadequate levels of reimbursement from Medicare, Medicaid, and private insurance may result in the closure of health care facilities and the termination of services, particularly in rural areas; and

**WHEREAS**, the changing demographics of the state, including the average age and geographic distribution of residents, impacts the health services needs of North Dakotans; and

**WHEREAS**, providing health care services to residents improves the quality of life and is a development incentive;

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

That the Legislative Council study current and 5-, 10-, 25-, and 50-year projections of the delivery of health care services in the state, including the capacity, distribution, and accessibility of the system of providing health services; the changing dynamics of delivery and funding of health services; possible health care services strategies to better serve residents; the role of health care services in future development in this state; and the effects of having inadequate reimbursement in this state, including the impact of inadequate reimbursement on the continued availability, viability, and financial stability of health care; 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 636****HOUSE CONCURRENT RESOLUTION NO. 3059**

(Representatives Boucher, Belter)

(Senators Krauter, G. Nelson)

**WATER CONCERNS AND NEEDS STUDY**

A concurrent resolution directing the Legislative Council to study the water concerns and needs of North Dakota.

**WHEREAS**, many areas of the state do not have an adequate supply or adequate quality of water for multipurpose uses; and

**WHEREAS**, the Legislative Assembly has previously declared a state water resources policy, which provides in part that the public health, safety, and general welfare, including the enhancement of opportunities for social and economic growth and expansion for all areas of the state, depends in large measure upon the optimum protection, management, and wise utilization of all the water and related land resources of the state; and

**WHEREAS**, development of programs and projects to meet current and future water needs for the benefit of the citizens of the state is a matter of concern and high priority; and

**WHEREAS**, the present water needs of the state's residents as well as the needs for the next 5-, 10-, 25-, and 50-year periods should be assessed; and

**WHEREAS**, individual community and regional water resource issues and needs should be assessed; and

**WHEREAS**, the state's future growth and continued development is dependent upon a secure source of good quality water; and

**WHEREAS**, an assessment of the current statewide water delivery and infrastructure systems should be conducted;

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

That the Legislative Council study the water concerns and needs 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-eighth Legislative Assembly.

Filed March 22, 2001

**CHAPTER 637****HOUSE CONCURRENT RESOLUTION NO. 3060**

(Representatives Lloyd, Carlson)

**SCHOOL DISTRICT PROPERTY TAX RELIEF AND  
REPLACEMENT STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing school district property tax relief and replacement of revenues through state funding.

**WHEREAS**, the Fifty-seventh Legislative Assembly has considered legislation to reduce school district property taxes and increase state sales and income taxes to generate replacement revenue for this property tax relief; and

**WHEREAS**, it appears that the property tax burden has increased substantially in recent years and places an undue burden for school funding on property owners and increased fairness might be provided by shifting a significant part of school funding from property taxes to state revenue sources; and

**WHEREAS**, issues have been identified in consideration of school district property tax relief legislation which will require detailed analysis; and

**WHEREAS**, consideration of a change in tax policy of the magnitude required to shift a significant portion of the property tax burden to state funding sources requires a thorough understanding of all consequences of such a change;

**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 school district property tax relief and replacement of revenues through state 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-eighth Legislative Assembly.

Filed March 22, 2001

**CHAPTER 638****HOUSE CONCURRENT RESOLUTION NO. 3061**

(Representatives Boucher, Belter)  
(Senators Krauter, G. Nelson)

**EDUCATION DELIVERY STUDY**

A concurrent resolution directing the Legislative Council to study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and to obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers.

**WHEREAS**, elementary and secondary education has long been valued in this state; and

**WHEREAS**, declining enrollment has necessitated changes in the way elementary and secondary education is delivered; and

**WHEREAS**, anticipated demographic changes in the ensuing 5, 10, and 20 years will contribute to fundamental changes in the delivery and organizational structure of elementary and secondary education; and

**WHEREAS**, issues of local versus state control in the delivery and organizational structure of elementary and secondary education need to be addressed; and

**WHEREAS**, regardless of the demographic changes and the structural changes, the state role in funding elementary and secondary education will continue to be significant; and

**WHEREAS**, the state has an obligation to ensure an equitable system for the funding of elementary and secondary education;

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

That the Legislative Council study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers; 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-eighth Legislative Assembly.

Filed April 30, 2001

**CHAPTER 639****HOUSE CONCURRENT RESOLUTION NO. 3062**

(Representatives Boucher, Carlson, Herbel, Kerzman, Price)  
(Senator Krauter)

**PRESCRIPTION DRUG STUDY**

A concurrent resolution directing the Legislative Council to study issues relating to the high and rising cost of prescription drugs in the United States and inequitable prescription drug pricing in the United States and possible methods of containing prescription drug costs.

**WHEREAS**, rising prescription drug costs in the United States have significant financial impacts on insured individuals, Medicare recipients, state and federal Medicaid expenditures, and uninsured individuals; and

**WHEREAS**, high costs of prescription drugs result in individuals taking their medication every other day, taking their medication in half doses, cutting back on necessary winter home heating, and cutting back on necessary food; and

**WHEREAS**, the inequities in prescription drug costs in Canada, Mexico, and the United States are not consistent with the intent of the North American Free Trade Act; and

**WHEREAS**, several states have initiated programs to address the affordability of prescription drugs, including Maine's Main Rx program and Indiana's Hoosier Rx and several states have introduced legislation to address the issue of affordability of prescription drugs, including Illinois, Michigan, Minnesota, and Ohio;

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

That the Legislative Council study issues relating to the high and rising cost of prescription drugs in the United States and inequitable prescription drug pricing in the United States and possible methods of containing prescription drug 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-eighth Legislative Assembly.

Filed March 22, 2001

**CHAPTER 640****HOUSE CONCURRENT RESOLUTION NO. 3064**

(Representatives Ekstrom, Fairfield, Jensen)  
(Senator Heitkamp)

**WORKERS' COMPENSATION FRAUD STUDY**

A concurrent resolution directing the Legislative Council to study workers' compensation fraud by employers, employees, attorneys, health care providers, and rehabilitation service providers in order to identify the financial impact of such fraud on the North Dakota workers' compensation fund, the most appropriate method of addressing such fraud, and the cost of addressing such fraud.

**WHEREAS**, nationally, workers compensation bureaus estimate that up to one-fourth of workers' compensation cases involve fraud by an employer, involved professional such as a physician or attorney, or an injured worker; and

**WHEREAS**, workers' compensation fraud results in increases in employer premiums and methods employers use to offset these premium increases include reduced employee benefits such as lower or no pay raises and reduced health insurance coverage; and

**WHEREAS**, the Legislative Assembly recognized the impact of fraud and enacted legislation in 1995 to create a workers' compensation fraud unit; and

**WHEREAS**, in 1999 the Legislative Assembly appropriated \$623,928 to workers' compensation for the fraud unit and the unit expects to recover \$7,752,091 during the 1999-2001 biennium;

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

That the Legislative Council study workers' compensation fraud by employers, employees, attorneys, health care providers, and rehabilitation service providers in order to identify the financial impact of such fraud on the North Dakota workers' compensation fund, the most appropriate method of addressing such fraud, and the cost of addressing such fraud; and

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

Filed March 22, 2001



**CHAPTER 641****HOUSE CONCURRENT RESOLUTION NO. 3065**

(Representatives Weisz, Pollert)  
(Senators Klein, Wanzek)

**RAIL ACCESS AND SERVICE STUDY**

A concurrent resolution directing the Legislative Council to study the negative impact due to diminishing rail access and service, the cost to industry, business, and communities of shifting rail services to state and local highway systems, and the feasibility and desirability of funding enhanced rail facilities including an intermodal rail facility in this state.

**WHEREAS**, efforts toward economic development through value-added agricultural production requires distribution of produce, goods, and services; and

**WHEREAS**, diminishing rail access and services adversely impacts agriculture, industry, business, tourism, and communities; and

**WHEREAS**, diminishing rail access and services shifts the burden of the movement of goods, products, and imports to already overstressed highway systems in this state; and

**WHEREAS**, many areas of the state are experiencing greater isolation of goods and produce from the services and markets; and

**WHEREAS**, diminishing rail access and services leads to an accelerated trend toward more shuttle trains, consolidation of local elevators into terminal facilities, and reduction in the number of small community elevators and related agricultural services resulting in added distribution stresses on the state and local highways and loss of support services for the agricultural communities across 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 negative impact due to diminishing rail access and service, the cost to industry, business, and communities of shifting rail services to state and local highway systems, and the feasibility and desirability of funding enhanced rail facilities including an intermodal rail facility 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 642****HOUSE CONCURRENT RESOLUTION NO. 3066**

(Representatives Boucher, Berg)  
(Senators Krauter, D. Mathern)

**ECONOMICS, POPULATION, AND BUSINESS  
GROWTH MONITORING STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of increasing the communication between the executive and legislative branches to monitor and assess the development of state policy regarding economics, population, and business growth.

**WHEREAS**, crucial elements of state economic development are deeply rooted in several state agencies, but we encourage a formal forum at the executive level or legislative level to coordinate these elements of state economic development; and

**WHEREAS**, increased communications between the Governor, the Attorney General, the Agriculture Commissioner, the Public Service Commissioners, the President of the Bank of North Dakota, the Chancellor of the University System, the State Engineer, the State Health Officer, and the majority and minority leaders of the North Dakota House of Representatives and Senate would aid in coordinating a comprehensive economic development plan; and

**WHEREAS**, in addition to the state benefit of efficient use of resources, the state's citizens and businesses could benefit from a unified, coordinated economic development strategic plan;

**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 increasing the communication between the executive and legislative branches to monitor and assess the development of state policy regarding economics, population, and business growth; 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-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 643****HOUSE CONCURRENT RESOLUTION NO. 3067**

(Representatives Boucher, DeKrey, Mahoney)

**BEHAVIOR MODIFICATION ACADEMY STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a behavior modification academy for certain adult and juvenile offenders.

**WHEREAS**, certain violations of the law are related to emotional or financial problems or are not violent or serious in nature; and

**WHEREAS**, these violations of the law include the crimes of driving while under the influence, issuing of nonsufficient fund checks, and certain misdemeanors and nonviolent crimes; and

**WHEREAS**, these violations of the law may be committed by a juvenile who is not considered a threat to that juvenile's own life or the life or safety of other persons; and

**WHEREAS**, by addressing the causes of the behavior that are related to these violations of the law, future violations may be diminished and the former offender returned to a productive place in society;

**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 behavior modification academy for certain adult and juvenile offenders; 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 Fifth-eighth Legislative Assembly.

Filed April 3, 2001

**CHAPTER 644****HOUSE CONCURRENT RESOLUTION NO. 3068**

(Representatives Hawken, R. Kelsch, S. Kelsh)  
(Senators Kelsh, D. Mathern)

**TIERED EARLY CHILDHOOD FACILITY LICENSURE  
SYSTEM STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a tiered early childhood facility licensure system that requires licensure of facilities not required to be licensed under the current system.

**WHEREAS**, the state requires licensure of certain early childhood facilities, offers voluntary licensure of early childhood facilities not required to be licensed, offers voluntary registration for in-home providers of early childhood services, offers voluntary carecheck registry for all early childhood facilities, and offers voluntary standard compliance certification for early childhood facilities that are not required to be licensed; and

**WHEREAS**, the early childhood services licensure, certification, and registration laws and rules are not easily understood by parents and early childhood services providers; and

**WHEREAS**, the fact that an early childhood facility is certified gives parents the illusion that the facility is being monitored by a licensing agency; and

**WHEREAS**, all children receiving early childhood service from nonrelative providers deserve to receive these services from providers that have annual training, background checks, and first-aid and cardiopulmonary resuscitation certification to help ensure a healthy and safe environment in which to learn and grow; and

**WHEREAS**, certified early childhood facilities may be eligible to access monetary benefits under certain state and federal 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 creating a tiered early childhood facility licensure system that requires licensure of facilities not required to be licensed under the current system; and

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

Filed April 3, 2001

**CHAPTER 645****HOUSE CONCURRENT RESOLUTION NO. 3071**

(Representatives R. Kelsch, Boehm, Porter, Renner)

(Senators Cook, Tomac)

(Approved by the Delayed Bills Committee)

**ST. PATRICK'S DAY PARADE CANCELLATION  
REFUNDS URGED**

A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

**WHEREAS**, the Mandan High School Band had intended to travel to Ireland on March 11, 2001, and appear in the 2001 St. Patrick's Day Parade in Dublin, Ireland; and

**WHEREAS**, the cost per student was in excess of \$1,625 and the band's total advanced expenses for airfare, lodging, and food exceeded \$169,000; and

**WHEREAS**, each of the band members worked long and hard to raise funds necessary to offset the inherent costs of the trip and the families of band members were obligated to make up the difference between the amount generated through fundraising efforts and the actual cost of the trip; and

**WHEREAS**, the 2001 St. Patrick's Day Parade was canceled because of the outbreak of foot and mouth disease in Europe and the trip to Ireland was canceled in recognition of the high risk that the foot and mouth disease could be transported back to the United States and if so transported, could decimate the livestock industry in this state and country; and

**WHEREAS**, the members of the Mandan High School Band and their families need to be commended for their maturity and wisdom in understanding the value of this state's and this country's livestock industry; and

**WHEREAS**, the members of the Mandan High School Band and their families have incurred significant financial loss as a result of the trip's cancellation and their inability to be reimbursed for any advanced payments;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to encourage the individuals and entities who received advanced payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the President of Ireland, the United States Ambassador to Ireland, the Irish Ambassador to the United States, the Secretary of Agriculture, the North Dakota Agriculture Commissioner, the North Dakota Farm Bureau, the North Dakota Farmer's Union, the North Dakota Beef Commission, the North Dakota Stockmen's Association, the National Cattlemen's Beef Association, the Cattlemen's Beef Board, the United States Meat Export Federation, the American National Cattlemen, and to each member of the North Dakota Congressional Delegation.

Filed April 16, 2001

**CHAPTER 646****HOUSE CONCURRENT RESOLUTION NO. 3072**

(Representatives Boucher, Brekke, Nicholas)

(Senator Traynor)

(Approved by the Delayed Bills Committee)

**DEVILS LAKE RAIL ELEVATION INCREASE URGED**

A concurrent resolution urging the Burlington Northern Santa Fe Railway to raise the rail elevation near Devils Lake to keep freight and passenger routes open in response to flooding.

**WHEREAS**, the rising water level of Devils Lake threatens to interrupt freight and passenger traffic by inundating Burlington Northern Santa Fe Railway's roadbed at locations between Devils Lake and Leeds in the vicinity of Churchs Ferry; and

**WHEREAS**, a branch line from Churchs Ferry to Rolla will be isolated if the water level of Devils Lake substantially rises; and

**WHEREAS**, as of March 30, 2001, the National Weather Service projects a 20 percent chance of the lake level rising to 1,449 feet before September 25, 2001, and any higher level would inundate the track; and

**WHEREAS**, the track may be raised three feet for an estimated cost of \$2,000,000; and

**WHEREAS**, it is vital to the economy of the state that rail service be maintained;

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

That the Fifty-seventh Legislative Assembly urges the Burlington Northern Santa Fe Railway raise the rail elevation near Devils Lake to keep freight and passenger routes open in response to flooding; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Burlington Northern Santa Fe Railway and to each member of the North Dakota Congressional Delegation.

Filed April 26, 2001

**CHAPTER 647****HOUSE CONCURRENT RESOLUTION NO. 3073**

(Representatives Carlson, Belter, Drovdal)  
(Senators G. Nelson, Urlacher, Wardner)  
(Approved by the Delayed Bills Committee)

**BUSH TAX RELIEF PORPOSAL SUPPORT URGED**

A concurrent resolution urging the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush.

**WHEREAS**, President George W. Bush honored the state of North Dakota with his visit to the state on Thursday, March 8, 2001; and

**WHEREAS**, federal taxes are the highest they have ever been during peacetime; and

**WHEREAS**, all taxpayers should be allowed to keep more of their own money; and

**WHEREAS**, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

**WHEREAS**, President Bush, on his visit to North Dakota, pledged his commitment to end the estate tax, commonly known as the death tax; and

**WHEREAS**, under current tax law, low-income workers often pay the highest marginal rates; and

**WHEREAS**, President Bush's tax relief plan will contribute to raising the standard of living for all Americans; and

**WHEREAS**, President Bush's tax relief plan will increase access to the middle class for hard-working families, treat all middle-class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

**WHEREAS**, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest-income earners;

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

That the Fifty-seventh Legislative Assembly urges the state's congressional delegation to support and work to enact the tax relief proposal introduced by President Bush; and



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

Filed April 28, 2001