

# HOUSE CONCURRENT RESOLUTIONS

## CHAPTER 580

### HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Council)  
(Budget Section)

#### BLOCK GRANT HEARINGS

A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

**WHEREAS**, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981, creating the community services block grant program; and

**WHEREAS**, the Legislative Assembly is required to conduct public hearings; and

**WHEREAS**, the Appropriations Committees have met the public hearing requirement for community services block grant moneys expected for the next biennium by the Department of Commerce; and

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

**WHEREAS**, the Legislative Assembly will not meet in regular session during 2004 and thus its public hearing responsibility for grants not approved by the Fifty-eighth Legislative Assembly must be delegated to a legislative entity;

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

That the Department of Commerce appropriations bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grants moneys for the period ending September 30, 2005; and

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

**BE IT FURTHER RESOLVED**, that the authority granted by this resolution is in effect during the period from the recess or adjournment of the Fifty-eighth Legislative Assembly through September 30, 2005, and the Budget Section may provide public notice and hold the hearings authorized by this resolution using the methods and procedures it deems appropriate.

Filed March 5, 2003

**CHAPTER 581****HOUSE CONCURRENT RESOLUTION NO. 3002**

(Legislative Council)  
(Family Law Committee)

**TAX-EXEMPT PROPERTY IMPACT STUDY**

A concurrent resolution directing the Legislative Council to study the total amount of tax-exempt property by county; the loss of tax revenues from flooded property and from previously taxable property that is purchased by tax-exempt entities, including ownership in trust for Indian tribes; and the impact of the tax status of these tax-exempt properties on the ability of local communities to provide social services, including child support enforcement services.

**WHEREAS**, it is necessary for local communities to fund and provide social services to residents of this state; and

**WHEREAS**, information on the effect of ownership of property by tax-exempt entities on the local communities of this state and the ability of these local communities to fund social services is not readily available; and

**WHEREAS**, a catalog of the acreage and the value of property owned by tax-exempt entities in each county in the state would be of value; and

**WHEREAS**, information is also needed on the effect of flooding of previously taxable property on the local communities and the ability of these local communities to fund the provision of social services;

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

That the Legislative Council study the total amount of tax-exempt property by county; the loss of tax revenues from flooded property and from previously taxable property being purchased by tax-exempt entities, including ownership in trust for Indian tribes; and the impact of the tax status of these tax-exempt properties on the ability of local communities to provide social services, including child support enforcement services; and

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

Filed March 18, 2003

**CHAPTER 582****HOUSE CONCURRENT RESOLUTION NO. 3003**

(Legislative Council)  
(Family Law Committee)

**SOCIAL SERVICES FUNDING STUDY**

A concurrent resolution directing the Legislative Council to study state and local funding obligations for social services, including child support enforcement services.

**WHEREAS**, in 1997 the Legislative Assembly enacted House Bill No. 1041, the "swap" legislation, which exchanged state and county administrative and funding responsibilities for economic assistance programs effective January 1, 1998; and

**WHEREAS**, the consolidation of county human service administration was one of the goals of the "swap" legislation and a review of whether that goal has been fully accomplished is necessary; and

**WHEREAS**, counties with Indian reservations and counties neighboring those counties are finding it increasingly difficult to fund social services, due in part to limited taxable property and increased social service needs; and

**WHEREAS**, there is a perceived inequity in requiring counties to fund social service programs such as child support enforcement services when there is limited county control over the program;

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

That the Legislative Council study state and local funding obligations for social services, including child support enforcement services; and

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

Filed March 12, 2003

**CHAPTER 583****HOUSE CONCURRENT RESOLUTION NO. 3004**

(Legislative Council)  
(Judiciary A Committee)

**PUBLIC DEFENDER SYSTEM STUDY**

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

**WHEREAS**, North Dakota is the only state to use a "pure" contract system for providing indigent defense services; and

**WHEREAS**, the state's current indigent defense contract system, in which presiding judges supervise the awarding of indigent defense contracts, raises conflict-related issues; and

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

**WHEREAS**, attorneys currently and formerly involved in the indigent defense contract process cite heavy caseload and inadequate compensation as issues that need to be addressed in the current system; and

**WHEREAS**, judicial districts in rural areas of the state are experiencing a shortage of attorneys who are willing to provide indigent defense services; and

**WHEREAS**, the Legislative Council's 2001-02 interim Judiciary A Committee, which was assigned the duty of studying the issues related to indigent defense, recommended that the issues be further studied and monitored;

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

That the Legislative Council study the state's method of providing legal representation for indigent persons 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-ninth Legislative Assembly.

Filed April 4, 2003

**CHAPTER 584****HOUSE CONCURRENT RESOLUTION NO. 3007**

(Representatives R. Kelsch, Carlisle, Delmore, Haas, Hanson)  
(Senator Kringstad)

**LEGISLATIVE EMPLOYEE COMPENSATION**

A concurrent resolution designating House and Senate employment positions and fixing compensation.

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

That for the Fifty-eighth Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the wages indicated:

**HOUSE**

Chief Clerk	\$114
Assistant chief clerk	100
Journal reporter	111
Calendar clerk	100
Bill clerk	95
Sergeant-at-arms	88
Administrative assistant to majority leader	104
Staff assistant to majority leader	88
Administrative assistant to minority leader	104
Staff assistant to minority leader	88
Administrative assistant to Speaker	88
Chief committee clerk	104
Appropriations Committee clerk	104
Assistant Appropriations Committee clerk	100
Committee clerk for three-day committee	100
Committee clerk for two-day committee	92
Assistant committee clerk	82
Deputy sergeant-at-arms	73
Chief page and bill book clerk	81
Legislative assistant	68

**SENATE**

Secretary of the Senate	\$114
Assistant secretary of the Senate	100
Journal reporter	111
Calendar clerk	100
Bill clerk	95
Sergeant-at-arms	88
Administrative assistant to majority leader	104
Staff assistant to majority leader	88
Administrative assistant to minority leader	104
Staff assistant to minority leader	88
Chief committee clerk	104
Appropriations Committee clerk	104
Assistant Appropriations Committee clerk	100

Committee clerk for three-day committee	100
Committee clerk for two-day committee	92
Assistant committee clerk	82
Payroll clerk	84
Deputy sergeant-at-arms	73
Chief page and bill book clerk	81
Legislative assistant	68

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-eighth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

**BE IT FURTHER RESOLVED**, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

**BE IT FURTHER RESOLVED**, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

**BE IT FURTHER RESOLVED**, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

Filed January 22, 2003

**CHAPTER 585****HOUSE CONCURRENT RESOLUTION NO. 3008**

(Representative Grosz)

**ELECTRONIC HOME DETENTION STUDY**

A concurrent resolution directing the Legislative Council to study the use of electronic home detention for nonviolent offenders.

**WHEREAS**, house arrest is included as a sentencing alternative for courts to impose as a condition of probation; and

**WHEREAS**, electronic home detention can be used as a form of house arrest, instead of imprisonment, for certain persons convicted of nonviolent offenses, such as driving while under the influence; and

**WHEREAS**, more extensive use of electronic home detention could lower workloads of department of corrections and rehabilitation personnel and save the state money while providing adequate security and meaningful punishment;

**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 electronic home detention for nonviolent 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 Fifty-ninth Legislative Assembly.

Filed April 3, 2003



**CHAPTER 586****HOUSE CONCURRENT RESOLUTION NO. 3009**

(Representatives Kempenich, D. Johnson, Froelich)  
(Senators Bowman, Flakoll, Klein)

**DISASTER ASSISTANCE FOR FARMERS URGED**

A concurrent resolution urging Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers.

**WHEREAS**, natural disasters can take many forms, including drought, excessive moisture, hurricanes, earthquakes, floods, excessive heat, and insect devastation; and

**WHEREAS**, natural disasters are a constant threat to America's farmers and ranchers and can severely hurt even the best run agricultural operations; and

**WHEREAS**, natural disasters devastated United States agricultural producers in 2001 and 2002; and

**WHEREAS**, farmers and ranchers need more disaster assistance than is available under current programs to pay all or part of the production costs incurred during the disaster years, to pay essential family living expenses, to reorganize farming and ranching operations, and to refinance certain agricultural debts; and

**WHEREAS**, North Dakota state university estimated that North Dakota producers incurred \$168 million in net crop losses and \$55 million in direct livestock losses due to drought conditions in 2002; and

**WHEREAS**, North Dakota state university estimated that this state has incurred more than \$866 million in direct and indirect economic losses due to drought conditions in 2002; and

**WHEREAS**, passing emergency natural disaster assistance is the single-most important action that the United States Congress can take for farmers, ranchers, and rural communities;

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

That the Fifty-eighth Legislative Assembly urges the Congress to provide sufficient emergency natural disaster assistance for farmers and ranchers; and

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

Filed January 13, 2003

**CHAPTER 587****HOUSE CONCURRENT RESOLUTION NO. 3010**

(Representatives Gulleeson, Amerman, Drovdal, Kempenich)  
(Senators Bowman, Heitkamp)

**GRAZING IN NATIONAL GRASSLANDS URGED**

A concurrent resolution urging Congress to require the United States Department of Agriculture Forest Service to implement a management plan that supports the right of North Dakota ranchers to graze their traditional numbers of livestock in the national grasslands and that allows the mineral resources within the national grasslands to be developed in a reasonable manner.

**WHEREAS**, 17 national grasslands extend east from the Rocky Mountains to north central Texas and three additional national grasslands extend west from the Rocky Mountains in the Great Basin states of Oregon, California, and Idaho; and

**WHEREAS**, the state of North Dakota is home to three national grasslands - the Cedar River National Grassland, the Sheyenne National Grassland, and the Little Missouri National Grassland; and

**WHEREAS**, the Cedar River National Grassland consists of 6,700 acres; and

**WHEREAS**, the Sheyenne National Grassland consists of 70,180 acres of federal land associated with 64,769 acres of privately owned land located in Ransom and Richland Counties and supplies seasonal forage for approximately 80 ranching operations; and

**WHEREAS**, the Little Missouri National Grassland, which consists of 1,028,051 acres, is the largest and most northern grassland in the nation and supplies seasonal forage for more than 467 ranching operations; and

**WHEREAS**, the national grasslands are federal lands administered by the United States Department of Agriculture Forest Service; and

**WHEREAS**, the United States Department of Agriculture Forest Service is charged with administering almost 4,000,000 acres in a fashion that sustains grassland ecosystems while allowing for the production of various goods and services, and supporting and maintaining rural economies and lifestyles; and

**WHEREAS**, the most recent management plan promulgated by the United States Department of Agriculture Forest Service would result in a potentially major reduction of grazing in the national grasslands located in this state, thereby resulting in a devastating loss to the fragile economy of these rural areas of North Dakota and an economic loss to residents of the counties; and

**WHEREAS**, 30 percent of North Dakota's oil and gas wells, which produce 36 percent of the crude oil supply for the Tesoro refinery in Mandan, are located within the Little Missouri National Grassland; and

**WHEREAS**, oil and gas exploration and production and related activities have historically accounted for 58 percent of the economy of the four North Dakota counties comprising the Dakota Prairie Grasslands; and

**WHEREAS**, the proposed management plan will eliminate or restrict access to 234,460 acres of the 992,870 acres in the grasslands, making 24 percent of the national grasslands virtually off limits for oil and gas exploration and development, resulting in the loss of additional jobs and further damage to the economies of the state as a whole and the local communities;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to require the United States Department of Agriculture Forest Service to implement a management plan that supports the right of North Dakota ranchers to graze their traditional numbers of livestock in the national grasslands and that allows the mineral resources within the national grasslands to be developed in a reasonable manner; and

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

Filed March 18, 2003

**CHAPTER 588**

**HOUSE CONCURRENT RESOLUTION NO. 3011**

(Representative Belter)  
(Senator J. Lee)

**OPEN RECORDS AND DISCLOSURE PENALTY STUDY**

A concurrent resolution directing the Legislative Council to study the North Dakota open records statutes and the appropriateness of the penalties for an unauthorized disclosure of certain records.

**WHEREAS**, there are over two hundred sections of the North Dakota Century Code which declare records confidential or address the handling of confidential records; and

**WHEREAS**, although North Dakota Century Code Section 12.1-13-01 provides that a person who knowingly discloses confidential information is guilty of a class C felony, various other sections of law provide conflicting penalties for the unauthorized disclosure of confidential information; and

**WHEREAS**, because of the severity of the sanctions for the unauthorized disclosure of confidential information, a comprehensive study of statutory provisions relating to the confidentiality of records and the appropriateness of the penalties for the unauthorized disclosure of certain records is necessary;

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

That the Legislative Council study the North Dakota open records statutes and the appropriateness of the penalties for unauthorized disclosure of certain records; and

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

Filed April 4, 2003

**CHAPTER 589****HOUSE CONCURRENT RESOLUTION NO. 3012**

(Representative Weisz)  
(Senator Trenbeath)

**DOT CONSTRUCTION ARBITRATION STUDY**

A concurrent resolution directing the Legislative Council to study the laws of this state concerning arbitration of construction issues with the Department of Transportation.

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

**WHEREAS**, it is necessary from time to time for the Department of Transportation to arbitrate issues concerning construction contracts; and

**WHEREAS**, recent use of arbitration has raised many issues and concerns with the current law and system; and

**WHEREAS**, there is some concern with whether certain issues may be arbitrable and whether certain issues should be handled by the courts; and

**WHEREAS**, mandatory arbitration may constrict the ability of the Department of Transportation to best resolve contract disputes;

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

That the Legislative Council study the laws of this state concerning arbitration of construction issues with the Department of 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-ninth Legislative Assembly.

Filed March 18, 2003

**CHAPTER 590****HOUSE CONCURRENT RESOLUTION NO. 3013**

(Representative Weisz)  
(Senator Trenbeath)

**HIGHWAY ABANDONMENT STUDY**

A concurrent resolution directing the Legislative Council to study the laws of this state concerning abandonment and vacation of sections of routes of the state highway system.

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

**WHEREAS**, it becomes necessary from time to time for the Department of Transportation to abandon sections of routes of the state highway system; and

**WHEREAS**, current law does not provide sufficient guidance regarding the process for abandoning a section of a route of the state highway system; and

**WHEREAS**, current law does not provide sufficient guidance regarding whether the Department of Transportation has continuing jurisdiction or authority over the abandoned section of a route of the state highway system;

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

That the Legislative Council study the laws of this state concerning abandonment and vacation of sections of routes of the state highway 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-ninth Legislative Assembly.

Filed March 18, 2003

**CHAPTER 591****HOUSE CONCURRENT RESOLUTION NO. 3015**

(Representatives M. Klein, Bellew, Price)  
(Senators Fischer, Krebsbach, O'Connell)

**NORTHWEST AREA WATER SUPPLY PROJECT AND  
WATER DELIVERY TO EASTERN NORTH DAKOTA  
SUPPORTED**

A concurrent resolution expressing the legislative assembly's support for construction of the Northwest Area Water Supply Project and delivery of water to eastern North Dakota.

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

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

**WHEREAS**, supplementation of the water resources of northwestern North Dakota with water supplies from the Missouri river, utilizing a pipeline transmission and delivery system, may be the only alternative to provide northwestern North Dakota with a safe, good quality, dependable source, and adequate quantity of water; 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 economic stability and quality of life for the growing population of the Red River basin; and

**WHEREAS**, failure to provide a dependable long-term water supply will jeopardize future economic opportunities dependent on water, including industry, agricultural processing, manufacturing, municipal growth, recreation, and fish and wildlife in the Red River basin and thus adversely affect the entire state;

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

That the fifty-eighth legislative assembly expresses its support for construction of the Northwest Area Water Supply Project and delivery of water to eastern North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, State Engineer, each member of the State Water Commission, the President of the United States, the Secretary of the Interior, the Commissioner of Reclamation, the Prime Minister of Canada, the Minister of Foreign Affairs of Canada, the Premier of the Province of Manitoba, and each member of the North Dakota Congressional Delegation.

Filed March 26, 2003



**CHAPTER 592****HOUSE CONCURRENT RESOLUTION NO. 3018**

(Representatives Headland, Hawken, Iverson)

**HIGH-VOLUME GRAIN TERMINAL STUDY**

A concurrent resolution directing the Legislative Council to study the impact of high-volume grain terminals on local highway systems and possible methods of mitigating the impact.

**WHEREAS**, changes in the economics of transporting agricultural products have prompted the reduction in number, but have increased the size, of grain terminals in this state; and

**WHEREAS**, the roads leading to these fewer but larger facilities experience significantly increased traffic volumes; and

**WHEREAS**, the local resources to address the impact of the increased traffic volumes on the local highway systems are the same as those available prior to the creation of these larger facilities;

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

That the Legislative Council study the impact of high-volume grain terminals on local highway systems and possible methods of mitigating the impact; and

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

Filed March 18, 2003

**CHAPTER 593****HOUSE CONCURRENT RESOLUTION NO. 3019**

(Representatives Nelson, Glassheim, Headland, Nicholas)  
(Senators Flakoll, Krauter)

**CUBA TRAVEL RESTRICTIONS LIFTING URGED**

A concurrent resolution urging the Congress of the United States to pass legislation that will allow United States citizens to freely travel to the Republic of Cuba.

**WHEREAS**, in response to the communist revolution in Cuba, the United States imposed economic sanctions on the Republic of Cuba in 1962; and

**WHEREAS**, the Trade Sanctions Reform and Export Enhancement Act of 2000 reauthorized the direct commercial cash-only sales of agricultural products, food, and medicine to the Republic of Cuba; and

**WHEREAS**, many of the primary commodities produced in North Dakota are sought for import by the Republic of Cuba; and

**WHEREAS**, a study conducted by Texas A&M University estimated North Dakota would rank ninth of the 50 states in the nation in terms of sales of agricultural and food product shipments to the Republic of Cuba with projected sales of up to \$37.8 million per year and employment of up to 1,010 people; and

**WHEREAS**, North Dakota's participation in the Cuban market would not have been possible without the foresight and market promotion efforts of the North Dakota Farm Bureau; and

**WHEREAS**, the United States Department of Agriculture anticipates the Republic of Cuba will rise from a ranking of 180th in 2000 to become the 33rd most important purchaser of agricultural and food product purchases from United States-based companies; and

**WHEREAS**, Cuban government officials indicate they expect food imports from the United States to total \$950 million in 2003 and to reach \$1.4 billion annually by 2005 or 2006; and

**WHEREAS**, United States citizens are prohibited from traveling to the Republic of Cuba for recreational purposes, thereby inhibiting opportunities for further trade expansion with the Republic of Cuba due to its financial shortfall;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to pass legislation that will allow United States citizens to freely travel to the Republic of Cuba; and

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

Filed March 26, 2003

**CHAPTER 594****HOUSE CONCURRENT RESOLUTION NO. 3020**

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

**CLOSE-UP DAY DECLARATION**

A concurrent resolution declaring February 10, 2003, "North Dakota Close-Up Day".

**WHEREAS**, the North Dakota Close-Up program is designed to ignite interest in the democratic process and instill in young people the desire to become active participants in their government; and

**WHEREAS**, the North Dakota Close-Up program concentrates on the functions and structures of state government and defines constitutional responsibilities assigned to each of the three branches of government; and

**WHEREAS**, the North Dakota Close-Up program has been in existence for 16 years; and

**WHEREAS**, 176 North Dakota high school students and 54 teachers will participate in the 2003 North Dakota Close-Up program;

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

That the Fifty-eighth Legislative Assembly declares February 10, 2003, "North Dakota Close-Up Day"; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the North Dakota Council of Educational Leaders.

Filed March 26, 2003

## CHAPTER 595

### HOUSE CONCURRENT RESOLUTION NO. 3021

(Representatives Mueller, D. Johnson, Nicholas)  
(Senators Fischer, Flakoll, Nichols)

### USDA NOT TO PREEMPT GRAIN WAREHOUSE AUTHORITY

A concurrent resolution urging the United States Department of Agriculture not to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act, and further urging Congress to take corrective action if the United States Department of Agriculture is unwilling or unable to take corrective action.

**WHEREAS**, the United States Department of Agriculture has adopted a rule to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act; and

**WHEREAS**, this rule was adopted without proper public notice and opportunity to comment; and

**WHEREAS**, the United States Department of Agriculture does not have a regulatory plan in place to adequately protect farmers who sell grain on a cash sale basis to federally licensed grain warehouses; and

**WHEREAS**, the United States Department of Agriculture does not have a mechanism in place to adequately inform farmers of what protections are and are not available to patrons of federally licensed grain warehouses; and

**WHEREAS**, the United States Department of Agriculture is not equipped to promptly respond to patron complaints concerning the day-to-day business operations of grain elevators all across the country; and

**WHEREAS**, the actions of the United States Department of Agriculture may ultimately diminish competition in local grain markets to the disadvantage of farmers; and

**WHEREAS**, the existing system of federally regulated warehousing activities and state regulated grain merchandising activities has served farmers well for decades; and

**WHEREAS**, the proposed system of exclusive federal regulation and oversight in subsequent insolvency proceedings will leave farmers with fewer protections and trust fund resources than they currently have;

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

That the Fifty-eighth Legislative Assembly urges the United States Department of Agriculture to rescind its pending rule to preempt states' rights to regulate merchandising activities at federally licensed grain warehouses and, absent

prompt corrective action, that the Congress of the United States act to restore states' rights to regulate grain merchandising activities at federally licensed grain warehouses; 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 March 18, 2003

## CHAPTER 596

### HOUSE CONCURRENT RESOLUTION NO. 3023

(Representatives Warnke, Delmore, Wald)  
(Senators Andrist, Krebsbach)

#### REGIONAL DENTAL SCHOOL STUDY

A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a regional dental school in North Dakota within the North Dakota University System and in conjunction with the school of dentistry at the University of Minnesota.

**WHEREAS**, there are 56 dental schools in the United States; and

**WHEREAS**, 7,700 students applied for admission to dental school in 2000, which represented a reduction of almost 14 percent since 1999 and a reduction of almost 21 percent since 1997; and

**WHEREAS**, 4,234 students, or about 55 percent of applicants, were first-year enrollees in dental schools in 2000; and

**WHEREAS**, the declining number of applicants to dental schools has been attributed at least in part to a reluctance by students to assume more educational debt and assumptions about the difficulty of gaining admittance to dental school; and

**WHEREAS**, a national decline in the applicant pool will make it more difficult for rural states to recruit and retain dentists; and

**WHEREAS**, North Dakota already ranks well below the national average with respect to the number of practicing dentists and 16 counties in this state have been designated as dental health professional shortage areas; and

**WHEREAS**, a recent survey showed that more than 36 percent of the dentists practicing in North Dakota were beyond the age of 50 and that by 2008 over 40 percent of the dentists who were practicing in North Dakota in 1998 will have retired; and

**WHEREAS**, the shortage of dental health professionals will seriously affect the oral health of many North Dakotans, and in particular, that of low-income North Dakotans; and

**WHEREAS**, the shortage of dental health professionals in North Dakota could be significantly reduced if not alleviated by encouraging students to pursue careers in dentistry and by providing them the opportunity to pursue a portion of the necessary curriculum in this state; and

**WHEREAS**, a regional dental school concept in conjunction with an established dental school may provide students greater exposure to the values and opportunities of a rural dental practice setting;

**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 regional dental school in North Dakota within the North Dakota University System and in conjunction with the school of dentistry at the University of Minnesota; and

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

Filed April 3, 2003



**CHAPTER 597****HOUSE CONCURRENT RESOLUTION NO. 3024**

(Representatives Warnke, Brusegaard, Delmore, N. Johnson)  
(Senators Bowman, Lindaas)

**VETERINARY SCHOOL STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a regional school of veterinary medicine and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional student exchange program within the North Dakota University System budget.

**WHEREAS**, veterinarians have played and will need to continue playing a vital role in the livestock industry, in caring for nondomesticated animals, and in caring for the companion animals of our citizens; and

**WHEREAS**, there is a recognized shortage of food animal veterinarians to serve the livestock industry in rural North Dakota; and

**WHEREAS**, it is in the best interest of North Dakota citizens to ensure that there are ample numbers of highly qualified veterinarians able and willing to provide medical services to all animals for which the citizens of North Dakota are directly or indirectly responsible; and

**WHEREAS**, there are presently only 27 veterinary medical colleges in the United States; and

**WHEREAS**, if North Dakota students wish to pursue careers in veterinary medicine, they must do so at out-of-state institutions such as Colorado State University, Iowa State University, Kansas State University, Oregon State University, Washington State University, the University of Minnesota, and the University of California - Davis; and

**WHEREAS**, North Dakota students who graduate from schools of veterinary medicine in other states are faced with significant debt repayment obligations and often find that those states offer better employment and specialization opportunities, as well as higher salary levels than those that could be achieved in food animal veterinary practice 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 establishing a regional school of veterinary medicine and providing preference for North Dakota resident students who specialize in food animal clinical studies at the out-of-state veterinary schools participating in the professional exchange grant program within the North Dakota University System budget; and

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

Filed April 11, 2003

**CHAPTER 598****HOUSE CONCURRENT RESOLUTION NO. 3025**

(Representatives Price, Devlin, Weisz)

(Senators Fischer, Holmberg, J. Lee)

**MEDICARE UNIFORMITY URGED**

A concurrent resolution urging Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application.

**WHEREAS**, it has been a long-standing obligation of the federal government to pay for the health care of this country's senior citizens; and

**WHEREAS**, the federal government taxes working citizens uniformly to fund the Medicare program, regardless of where those citizens reside; and

**WHEREAS**, under the current Medicare payments to those who provide services to this country's senior citizens vary significantly between urban and rural states; and

**WHEREAS**, because of this unequal payment, senior citizens who reside in rural states do not receive the same array of services as those senior citizens who reside in urban states; and

**WHEREAS**, national health care programs such as Medicare must not be allowed to penalize senior citizens who reside in rural states by subjecting them to less coverage and thereby fewer services than those received by senior citizens in urban states;

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

That the Fifty-eighth Legislative Assembly urges Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Health and Human Services, the administrator of the Centers for Medicare and Medicaid Services, and to each member of the North Dakota Congressional Delegation.

Filed March 26, 2003

**CHAPTER 599****HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representative Monson)  
(Senator Trenbeath)

**E85 FUEL USE STUDY**

A concurrent resolution directing the Legislative Council to study the use of E85 fuel by the state.

**WHEREAS**, North Dakotans consume approximately 373 million gallons of gasoline each year and approximately 20 percent of that gallonage contains 10 percent ethanol; and

**WHEREAS**, the size of North Dakota's ethanol market is therefore in the range of 8 million gallons per year and the state's existing production capacity is in the range of 30 million gallons annually; and

**WHEREAS**, excess ethanol is marketed in other states; and

**WHEREAS**, ethanol is a homegrown fuel that helps the nation to become independent from imported oil and helps the nation's balance of trade; and

**WHEREAS**, ethanol is made from corn, a renewable resource, and a crop grown in abundance in North Dakota; and

**WHEREAS**, the state has the capacity to produce 10.5 million gallons of ethanol annually, utilizing 4 million bushels of corn; and

**WHEREAS**, ethanol is available in either a lower-level blend, 10 percent, or a high-level blend, 85 percent, and corn-based E85 fuel has been found to reduce greenhouse gas emissions by as much as 39 to 46 percent when compared to gasoline; and

**WHEREAS**, the Governor has directed the Department of Transportation to use a 10 percent ethanol-blended fuel in the state's 2,300-vehicle fleet; and

**WHEREAS**, ethanol production adds up to 30 cents to every bushel of corn and produces a nutritious livestock byproduct; and

**WHEREAS**, farmers benefit from the production of ethanol not only from higher corn prices but also from collective enterprises to build ethanol production facilities; and

**WHEREAS**, value-added agriculture enterprises create new jobs and help the state's farmers add substantial value to their crops;

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

That the Legislative Council study the feasibility and desirability of the use of E85 by the state; and

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

Filed March 18, 2003

**CHAPTER 600****HOUSE CONCURRENT RESOLUTION NO. 3027**

(Representatives Hunskor, Froelich, Haas, Metcalf)  
(Senators Nething, Nichols)

**VETERANS DAY EDUCATION URGED**

A concurrent resolution urging the Superintendent of Public Instruction, all North Dakota school district superintendents, and the boards of all North Dakota school districts to work with local, state, and federal military and veterans' organizations to observe and promote Veterans Day by developing and disseminating to students in the elementary and secondary schools of this state educational materials that strengthen students' awareness of the contributions and sacrifices made by veterans, proper flag etiquette, and the continued necessity of participation in the armed services so that freedom can be enjoyed by everyone.

**WHEREAS**, North Dakotans are among the millions who have served in the armed forces of this country; and

**WHEREAS**, North Dakotans who served in the armed forces have, through their contributions and sacrifices, demonstrated their heroism and their unwavering love of this country; and

**WHEREAS**, the flag is symbolic of the freedom our veterans' contributions and sacrifices have provided and which our armed forces continue to defend; and

**WHEREAS**, in recent years, fewer and fewer individuals and families have had close personal ties to those who served in the armed forces of this country; and

**WHEREAS**, our younger citizens are consequently coming of age without having an appropriate understanding of the important accomplishments and achievements resulting from service in the armed forces of this country; and

**WHEREAS**, as our younger citizens mature, they will need to understand that the defense of freedom, however defined, comes at a cost that can never be repaid; and

**WHEREAS**, as our younger citizens mature, they will need to understand our country's history of military action, the proper etiquette and use of the flag, and the continued need for civilian control of and participation in the armed forces;

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

That the Fifty-eighth Legislative Assembly urges the Superintendent of Public Instruction, all North Dakota school district superintendents, and the boards of all North Dakota school districts to work with local, state, and federal military and veterans' organizations to observe and promote Veterans Day by developing and disseminating to students in the elementary and secondary schools of this state educational materials that strengthen students' awareness of the contributions and

sacrifices made by veterans, proper flag etiquette, and the continued need for participation in the armed services so that freedom can be enjoyed by everyone; and

**BE IT FURTHER RESOLVED**, that veterans' organizations be requested to provide written information to public events facilities throughout the state regarding proper flag etiquette and use; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the Superintendent of Public Instruction, each North Dakota school district superintendent, and the board of each North Dakota school district.

Filed April 25, 2003

**CHAPTER 601****HOUSE CONCURRENT RESOLUTION NO. 3028**

(Representatives Porter, Carlisle, Dosch, Drovdal, Severson)  
(Senator Kilzer)

**MEDICARE REIMBURSEMENT INCREASE URGED**

A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget to equalize Medicare rates within North Dakota and within the nation, and to increase funding of the 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**, Medicare is implementing an 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-eighth 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 to equalize Medicare rates within North Dakota and within the nation, and to increase Medicare ambulance reimbursement; and

**BE IT FURTHER RESOLVED**, that the Fifty-eighth 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, the administrator of the Centers for Medicare and Medicaid Services, the chairman of the United States Senate Finance Committee, 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 26, 2003

**CHAPTER 602****HOUSE CONCURRENT RESOLUTION NO. 3031**

(Representatives Brusegaard, Berg, Nicholas)  
(Senators Flakoll, Klein, Nichols)

**BIOTECHNOLOGY AND GENETIC RESEARCH AT  
NDSU URGED**

A concurrent resolution urging North Dakota State University to host the Center for Genetic Research and become a national and international leader in biotechnology research.

**WHEREAS**, the state of North Dakota is the number one state in the nation in the production of durum and hard red spring wheat; and

**WHEREAS**, North Dakota wheat producers have suffered economic losses in excess of \$870,000,000 during the 1999-2001 crop years due to wheat diseases; and

**WHEREAS**, biotechnology holds great promise for the future in fighting wheat diseases; and

**WHEREAS**, questions continue to be raised about the safety of transgenic crops and where research will be conducted to provide scientific answers to those questions; and

**WHEREAS**, programs at North Dakota State University include a comprehensive research and development plan for wheat and durum that includes research and analysis necessary for making recommendations regarding new transgenic varieties, including the advisability and timing of their release; research and analysis necessary for making recommendations regarding the proper handling, production, and disposition of new transgenic varieties; and research and analysis necessary for making recommendations regarding the transportation, marketing, and testing of transgenic varieties; and

**WHEREAS**, a Center for Genetic Research located at North Dakota State University would advance new uses of biotechnology to develop superior crop varieties and at the same time provide protection against any potential negative economic or health effects arising from the development of such technology;

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

That the Fifty-eighth Legislative Assembly urges North Dakota State University to host the Center for Genetic Research and become a national and international leader in biotechnology research; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the State Board of Higher Education and the president of North Dakota State University.

Filed March 26, 2003

**CHAPTER 603****HOUSE CONCURRENT RESOLUTION NO. 3032**

(Representatives Warnke, Aarsvold, Delmore)  
(Senators Lyson, Traynor)

**METHAMPHETAMINE TREATMENT FACILITIES  
STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities.

**WHEREAS**, declining population in rural areas of the state has resulted in the consolidation of schools leaving a number of public school buildings vacant; and

**WHEREAS**, between 1993 and 2001, the state's inmate population increased by 65 percent and is projected to increase another 21 percent between 2002 and 2012; and

**WHEREAS**, 28 percent of all inmate admissions in 2001 were the result of drug offenses and more than one-third of male admissions and one-half of female admissions reported daily drug use before admission; and

**WHEREAS**, the manufacture and use of methamphetamines in the state has reached epidemic proportions; and

**WHEREAS**, converting vacant public school buildings to methamphetamine detoxification and treatment facilities may be an option that would use vacant school buildings and help ease the overcrowding problems in the corrections system;

**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 converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities; and

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

Filed March 26, 2003

**CHAPTER 604****HOUSE CONCURRENT RESOLUTION NO. 3034**

(Representative DeKrey)

**CIVIL COMMITMENT LAWS STUDY**

A concurrent resolution directing the Legislative Council to study the civil commitment laws of North Dakota, chapter 25-03.1, court decisions concerning civil commitment, and the civil commitment laws of the other states.

**WHEREAS**, the North Dakota civil commitment law, codified as chapter 25-03.1, was enacted in 1977 and has not received a comprehensive review since 1993; and

**WHEREAS**, treatment practices and services for both substance abuse and mental illness have changed markedly in that time with many more services being delivered at the community level; and

**WHEREAS**, the current North Dakota civil commitment law requires cooperation and coordination between diverse entities within the state, including the Department of Human Services, state's attorneys and law enforcement, as well as other interested parties; and

**WHEREAS**, with the changes in practice, research, and need in North Dakota, it would be timely to perform a comprehensive study of chapter 25-03.1 and to recommend changes to the law to reflect the evolution of treatment practices and services;

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

That the Legislative Council study the civil commitment laws of North Dakota, chapter 25-03.1, court decisions concerning civil commitment, and the civil commitment laws of other states; and

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

Filed April 4, 2003

**CHAPTER 605****HOUSE CONCURRENT RESOLUTION NO. 3035**

(Representatives Devlin, Brusegaard, Weisz)  
(Senators Andrist, Fischer, Mutch)

**LIBERTY DAY**

A concurrent resolution proclaiming March 16, 2003, as Liberty Day.

**WHEREAS**, Americans' rights and liberties are rooted in the Declaration of Independence and the United States Constitution; and

**WHEREAS**, James Madison, who later served as President of the United States, was a primary drafter of the Constitution and is often referred to as the "Father of the Constitution"; and

**WHEREAS**, James Madison also presented to Congress for ratification of the first 10 amendments to the Constitution, which are known as the Bill of Rights; and

**WHEREAS**, James Madison was born on March 16, 1751;

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

That March 16, 2003, be designated as Liberty Day in honor of the anniversary of the birth of James Madison; and

**BE IT FURTHER RESOLVED**, that all citizens be encouraged to recognize the importance of the Declaration of Independence and the United States Constitution and its Bill of Rights and be encouraged to exhibit the responsibility of preserving our form of constitutional self-government.

Filed March 6, 2003

**CHAPTER 606****HOUSE CONCURRENT RESOLUTION NO. 3036**

(Representatives Kretschmar, Drovdal, Wikenheiser)  
(Senator Erbele)

**MISSOURI RIVER CORRIDOR ECONOMIC RECOVERY  
URGED**

A concurrent resolution urging Congress to enact legislation for the economic recovery of North Dakota's Missouri River corridor.

**WHEREAS**, the 11 counties comprising the Missouri River corridor in North Dakota lost more than 500,000 acres of valuable river bottomlands 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 gross product and an additional annual loss in personal income as well as other serious impacts to individuals, political subdivisions, and North Dakota's Indian Nations; and

**WHEREAS**, operation of the Pick-Sloan Missouri River dams has provided great benefits to the downstream states but relatively few benefits to the 11 counties directly affected by the projects; and

**WHEREAS**, counties affected by the Pick-Sloan Missouri River dams have been working diligently to bring about some economic recovery to help alleviate the losses caused by the project during the last 50 years; and

**WHEREAS**, it has been determined that the water and land resources of the 11 counties are key to the economic growth of these counties; and

**WHEREAS**, the North Dakota Water User's Association supports a proposed North Dakota Missouri River Corridor Economy Recovery Act under which the federal government would appropriate funds to the Bank of North Dakota over a 10-year period, to be used to rebuild infrastructure lost over the 50-year period through inundation caused by the main stem Missouri River dams; and

**WHEREAS**, the North Dakota Irrigation Caucus is in the early stages of revising a strategic plan, Irrigation 2020, to develop, strengthen, and expand irrigation in North Dakota; and

**WHEREAS**, if the federal government appropriated \$600 million dollars to the Bank of North Dakota for a period of 10 years, the Bank could invest this money and use the interest to help the corridor counties to rebuild their infrastructure that was destroyed by construction of the Pick-Sloan Missouri River dams;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to enact legislation for the economic recovery of North Dakota's Missouri River corridor; and

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

Filed March 26, 2003



## CHAPTER 607

### HOUSE CONCURRENT RESOLUTION NO. 3037

(Representatives Grande, Belter, Wald)  
(Senators Lyson, Stenehjem, Trenbeath)

### HUMAN SERVICES DELIVERY AND CRIMINAL PROCESS STUDY

A concurrent resolution directing the Legislative Council to study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; the impact and availability of community services; the state's criminal justice process from arrest to release; alternatives to incarceration; and the effectiveness of incarceration and treatment.

**WHEREAS**, changes in clinical practices and service delivery systems have created a need for new and different responses in caring for individuals with mental illness and drug and alcohol addictions; and

**WHEREAS**, community-based mental health treatment, service, and support options have been developed to support an individual's recovery in or near the individual's family and community; and

**WHEREAS**, a 2002 study of the operations and facilities of the Department of Corrections and Rehabilitation projected that the number of inmates in the state's prison system will continue to grow by approximately three percent annually; and

**WHEREAS**, the 2002 study indicated that the Department of Corrections and Rehabilitation will need additional bed space to avoid a critical prison capacity shortfall, especially for the female offenders; and

**WHEREAS**, consideration has been given to whether collocation of patients and prisoners is appropriate; and

**WHEREAS**, treatment and other programs that provide alternatives to incarceration may reduce the number of inmates and reduce recidivism;

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

That the Legislative Council study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; the impact and availability of community services; the state's criminal justice process from arrest to release;

alternatives to incarceration; and the effectiveness of incarceration and treatment; and

**BE IT FURTHER RESOLVED**, that in conducting the study, the Legislative Council solicit testimony from interested parties, including individuals receiving services, the individuals' families, administrators and staff at state and community facilities, the Department of Human Services, the Department of Corrections and Rehabilitation, advocacy groups, and the governing boards of state facilities providing services to those individuals; and

**BE IT FURTHER RESOLVED**, that in conducting the study, the Legislative Council study the cost-effectiveness and efficiency of incarcerating large numbers of inmates in a large facility; and

**BE IT FURTHER RESOLVED**, that the Legislative Council may contract with an independent party to conduct the study; and

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

Filed April 17, 2003

**CHAPTER 608****HOUSE CONCURRENT RESOLUTION NO. 3038**

(Representatives Warnke, Carlson, Kerzman)  
(Senators Erbele, Krauter)

**FEDERAL FAMILY PLANNING FUNDS PROHIBITIONS  
URGED**

A concurrent resolution urging Congress to permit states to enact prohibitions on the use of federal family planning funds by private and public agencies.

**WHEREAS**, title X of the federal Public Health Service Act [Pub. L. 91-572; 84 Stat. 1506; 42 U.S.C. 300] provides grants to public and private agencies for family planning programs; and

**WHEREAS**, title X and its corresponding regulations require that agencies receiving title X funds provide counseling on, and referrals for, abortion; and

**WHEREAS**, the State of North Dakota, reflecting a policy of favoring childbirth over abortion, has enacted section 14-02.3-02, prohibiting the use of state and federal funds for family planning by any person or public or private agency that performs, refers, or encourages abortion; and

**WHEREAS**, the federal preemption clause prevents the state from enforcing section 14-02.3-02 if a person or agency receives any title X funds; and

**WHEREAS**, the federal government provides title X grants to both public and private agencies, thereby compelling states to accept title X grants or lose the funds to private agencies with less accountability to the people of North Dakota;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to permit states to enact prohibitions on the use of grants provided under title X of the federal Public Health Service Act [Pub. L. 91-572; 84 Stat. 1506; 42 U.S.C. 300] by public and private agencies operating in the state; 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 March 26, 2003

**CHAPTER 609****HOUSE CONCURRENT RESOLUTION NO. 3039**

(Representative Boucher)

**WATER PROJECT INTERFERENCE AND ARSENIC STANDARDS**

A concurrent resolution strongly encouraging the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota.

**WHEREAS**, areas of the arid west-central region of North Dakota do not enjoy safe drinking water and do not have sufficient quantities of water to ensure a dependable, long-term supply of water which areas to the south currently enjoy; and

**WHEREAS**, many cities and rural areas in the Northwest Area Water Supply Project have domestic water supplies of less than desirable quality; and

**WHEREAS**, the Northwest Area Water Supply Project will pump Missouri River water from Lake Sakakawea as far north as Sherwood, as far east as Bottineau, and as far west as Divide County and will supply water to the city of Minot; and

**WHEREAS**, using Missouri River water to supply the Northwest Area Water Supply Project will be advantageous in that the residents of North Dakota, including the far west, it will receive a clean and abundant supply of water providing a more inviting home for potential businesses and industries which will strengthen local economies and result in more and better jobs for North Dakotans; and

**WHEREAS**, a safe, dependable supply of water is critical to the economic viability of the state and future economic development; and

**WHEREAS**, individuals, organizations, and entities have opposed North Dakota water projects for political rather than scientific reasons; and

**WHEREAS**, the Environmental Protection Agency has recently promulgated rules reducing the allowable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion; and

**WHEREAS**, several cities in North Dakota are being challenged to meet the stricter drinking water standard for arsenic; and

**WHEREAS**, as many as 30 public water systems in North Dakota which currently comply with drinking water standards may find it extremely difficult to

comply with the new drinking water standard for arsenic in the short timeframe before the rules take effect;

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

That the Fifty-ninth Legislative Assembly strongly encourages the Governor, Attorney General, State Water Commission, and state agencies to continue aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, including the Northwest Area Water Supply Project, the Southwest Pipeline Project, Devils Lake flooding, delivery of water to eastern North Dakota, development of water resources for irrigation purposes, and development of projects to control flooding, and urging the Environmental Protection Agency to relax the recently promulgated rule lowering the allowable level of arsenic in drinking water for affected cities in North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Governor, Attorney General, State Engineer, each member of the State Water Commission, the chief of the Environmental Health Section of the State Department of Health, the director of the Division of Municipal Facilities of the Environmental Health Section of the State Department of Health, the administrator of the Environmental Protection Agency, the regional administrator for Region VIII of the Environmental Protection Agency, and to each member of the North Dakota Congressional Delegation.

Filed April 23, 2003

**CHAPTER 610****HOUSE CONCURRENT RESOLUTION NO. 3040**

(Representatives Warner, N. Johnson, Martinson)  
(Senators Fischer, Lyson, Taylor)

**MISSOURI RIVER MASTER MANUAL UPDATE URGED**

A concurrent resolution urging the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to adopt and implement an updated Missouri River Master Water Control Manual that gives fair consideration to the substantial recreation values present on Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota.

**WHEREAS**, potential for economic growth and long-term stability in western North Dakota rests to an increasing degree on the recreational usability of and tourist visitations to Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota; and

**WHEREAS**, visitations to Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota are forecast to increase dramatically due to the bicentennial celebration of the exploration of the Missouri River by Lewis and Clark; and

**WHEREAS**, after 50 years since the closing of the Garrison Dam the federal government generally and the United States Army Corps of Engineers specifically have failed to adequately develop the recreation potential that exists in Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota; and

**WHEREAS**, failure of the federal government and the United States Army Corps of Engineers to facilitate development of recreation potentials will result in an unsatisfactory experience for the hundreds of thousands of North Dakota visitors expected during the Lewis and Clark Bicentennial; and

**WHEREAS**, the United States Army Corps of Engineers' delays in accounting for contemporary system uses and economic growth potential have severely hampered private and local government recreation development along Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota; and

**WHEREAS**, system management based on the current Missouri River Master Water Control Manual during the current and recent droughts has unnecessarily caused Lake Sakakawea and Lake Oahe water levels to fall to crisis levels; thus, compounding the negative environment for state, tribal, and local governments and the private sector to develop the economic potential of one of North Dakota's most important natural resources; and

**WHEREAS**, system management based on the current Missouri River Master Water Control Manual effectively gives unfair, higher priority to downstream business interests at the expense of upstream business, recreation, and environmental interests; and

**WHEREAS**, any proposed change to the current Missouri River Master Water Control Manual included in the United States Army Corps of Engineers' revised draft environment impact statement would be an improvement for endangered species in

the Missouri River System, specifically the pallid sturgeon, least tern, and piping plover; and

**WHEREAS**, the United States Army Corps of Engineers has delayed updating its Missouri River Master Water Control Manual even though the mandatory deadline for such an update has long passed;

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

That the Fifty-eighth Legislative Assembly urges the President to direct the United States Army Corps of Engineers to complete and release a final, updated Missouri River Master Water Control Manual as its highest priority and to commit sufficient funds and other resources to fully develop the recreation potentials of the Missouri River System in North Dakota; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Division Commander of the Northwestern Division of the United States Army Corps of Engineers; the Secretary of the Army; the Secretary of the Interior; 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, South Dakota, Wyoming, and Montana Congressional Delegations.

Filed April 14, 2003

**CHAPTER 611****HOUSE CONCURRENT RESOLUTION NO. 3041**

(Representatives Warner, N. Johnson, Martinson)  
(Senators Fischer, Lyson, Taylor)

**LEWIS AND CLARK FEDERAL FACILITY  
IMPROVEMENT URGED**

A concurrent resolution urging the President of the United States, Secretary of the Army, and the United States Army Corps of Engineers to improve, rehabilitate, and repair visitor facilities, event sites, and other areas within their jurisdiction in North Dakota expected to experience significant increases in visitation as a result of the bicentennial commemoration of the Lewis and Clark Expedition.

**WHEREAS**, in the year 2002 the United States Army Corps of Engineers identified a \$25 million need and promised to aggressively pursue funding for the improvement, rehabilitation, and repair of Lewis and Clark Expedition facilities on the Lewis and Clark route on the Missouri River; and

**WHEREAS**, the United States Army Corps of Engineers prioritized the locations for upgrading according to the level of importance to the original Lewis and Clark Expedition; and

**WHEREAS**, the United States Army Corps of Engineers spent \$3.25 million during fiscal years 2001 and 2002 and budgeted \$1.3 million for fiscal year 2003 for Lewis and Clark preparation work, which is far less than the announced need; and

**WHEREAS**, the United States Army Corps of Engineers promised to review its overall program execution to find funds and direct those funds to prioritized Lewis and Clark Expedition projects; and

**WHEREAS**, the Lewis and Clark exploratory party spent more than 160 days and nights in what is now North Dakota, making North Dakota one of the most significant states to the expedition; and

**WHEREAS**, the Bismarck-Mandan-Washburn-Stanton and New Town, North Dakota, national signature events are two of only 15 designated Lewis and Clark national signature event sites in the United States of America; and

**WHEREAS**, an influx of hundreds of thousands of people from all over the nation and the world are expected to visit North Dakota to commemorate the Lewis and Clark Expedition; and

**WHEREAS**, the United States Congress enacted a Demonstration Lakes Initiative of which Lake Sakakawea is designated a pilot lake;

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



That the Fifty-eighth Legislative Assembly urges the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to make good on representations and promises made to improve, rehabilitate, and repair facilities, event sites, and other areas expected to experience significant increases in visitation as a result of the bicentennial commemoration of the Lewis and Clark Expedition; and

**BE IT FURTHER RESOLVED**, that the Fifty-eighth Legislative Assembly urges the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to continue to improve, rehabilitate, and repair sites and facilities on Lake Sakakawea under the provisions of the Demonstration Lakes Initiative; and

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

Filed April 11, 2003

**CHAPTER 612****HOUSE CONCURRENT RESOLUTION NO. 3042**

(Representatives Price, Ruby, Warner)  
(Senators Krebsbach, O'Connell, Taylor)

**NORTHWEST VENTURE COMMUNITIES SUPPORTED**

A concurrent resolution expressing the Legislative Assembly's support and endorsement for the Northwest Venture Communities, Inc., project to reduce poverty and improve the quality of life in North Dakota.

**WHEREAS**, the Northwest Area Foundation has selected Northwest Venture Communities, Inc., as a potential regional partner to reduce poverty and improve the quality of life in Bottineau, Burke, McHenry, McLean, Mountrail, Pierce, Renville, and Ward Counties and for the Three Affiliated Tribes of Fort Berthold; and

**WHEREAS**, the eight counties and the Fort Berthold Reservation are actively participating in the project and working together to reduce poverty and improve the quality of life in North Dakota; and

**WHEREAS**, the State of North Dakota is also active in reducing poverty and improving its quality of life;

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

That the Fifty-eighth Legislative Assembly expresses its support and endorses the efforts of Northwest Venture Communities, Inc., to reduce poverty and improve the quality of life in North Dakota; and

**BE IT FURTHER RESOLVED**, that the state collaborate to assist in this effort; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the trustees and chairman of the Northwest Area Foundation and to the Governor.

Filed March 26, 2003

**CHAPTER 613****HOUSE CONCURRENT RESOLUTION NO. 3043**

(Representatives Carlson, Belter, Timm)

**ESTATE TAX ELIMINATION URGED**

A concurrent resolution urging Congress to eliminate the estate tax.

**WHEREAS**, under tax relief legislation passed in 2001, the estate tax was temporarily phased out, not permanently eliminated; and

**WHEREAS**, women and minorities are very often owners of small and medium-sized businesses, and the estate tax prevents their children from reaping the rewards of a lifetime of trying to make a better life; and

**WHEREAS**, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

**WHEREAS**, employees suffer when they lose their jobs when small and medium-sized businesses are liquidated to pay estate taxes and because high capital costs depress the number of new businesses that could offer them a job; and

**WHEREAS**, if the estate tax had been repealed in 1996, over the next nine years it has been estimated the United States economy would have averaged as much as \$11 billion per year in extra output, and an average of 145,000 additional new jobs would have been created; and

**WHEREAS**, the persistent uncertainty created by the estate tax sunset provision prevents families and small businesses from taking advantage of the temporary repeal; and

**WHEREAS**, having repeatedly passed both the United States House of Representatives and the United States Senate, elimination of the estate tax has wide bipartisan support;

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

That the North Dakota Legislative Assembly urges the Congress of the United States to eliminate the estate tax; and

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

Filed March 18, 2003

**CHAPTER 614****HOUSE CONCURRENT RESOLUTION NO. 3044**

(Representatives Carlson, Belter, Timm)

**ECONOMIC GROWTH AND TAX RELIEF PLAN  
ENACTMENT URGED**

A concurrent resolution urging Congress to enact the President's 2002 economic growth and tax relief plan.

**WHEREAS**, President George W. Bush has proposed an economic growth and tax relief plan designed to strengthen the American economy and deliver critical help to unemployed citizens; and

**WHEREAS**, President Bush's plan removes the double taxation on dividends, speeds up tax cuts already passed in 2001, increases business expensing, and helps unemployed workers in order to speed up economic recovery and encourage job creation; and

**WHEREAS**, over 50 percent of the population invests in the stock market and senior citizens receive 50 percent of dividend payments, and a strong stock market benefits all Americans; and

**WHEREAS**, everyone who invests in the stock market and receives dividend income, especially senior citizens, will benefit from the elimination of the double taxation on dividends; and

**WHEREAS**, everyone who pays taxes, especially middle-income Americans, will receive additional relief by the accelerated reduction of the marriage penalty tax, a faster increase in the child tax credit, and the immediate implementation of the new, lower 10 percent tax bracket; and

**WHEREAS**, every small business owner who purchases equipment will benefit greatly from the increase in expensing limits from \$25,000 to \$75,000, which in turn will help grow business, allow for reinvestment of capital into the economy, and create jobs;

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

That the North Dakota Legislative Assembly urges the Congress of the United States to enact the President's 2002 economic growth and tax relief plan; and

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

Filed March 12, 2003

**CHAPTER 615****HOUSE CONCURRENT RESOLUTION NO. 3048**

(Representatives Boucher, Glassheim)  
(Senators Every, O'Connell)

**THEODORE ROOSEVELT PRESIDENCY CENTENNIAL  
CELEBRATED**

A concurrent resolution celebrating the one-hundredth anniversary of Theodore Roosevelt's election as President of the United States.

**WHEREAS**, after the death of his wife and mother in 1883, Theodore Roosevelt spent several years almost exclusively in North Dakota enjoying the strenuous life of ranching in the Badlands; and

**WHEREAS**, in addition to holding elected office as New York State Assemblyman, Governor of New York, and Vice President of the United States, he was also a deputy sheriff in the Dakota Territory, New York City Police Commissioner, United States Civil Service Commissioner, Assistant Secretary of the Navy, and Colonel of the Roughriders, all by the age of 42; and

**WHEREAS**, in 1904 Theodore Roosevelt was elected President of the United States after having succeeded to the presidency as the twenty-sixth President of the United States at the age of 42, making him the youngest person to serve as President; and

**WHEREAS**, President Roosevelt often commented that he never would have become President had it not been for his experiences in North Dakota; and

**WHEREAS**, President Roosevelt went on to win the Nobel Peace Prize, start construction of the Panama Canal, establish five national parks and the first 18 national monuments, and become a pioneer in conservation and antitrust enforcement;

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

That the Fifty-eighth Legislative Assembly establishes 2004 as an official year of celebration of the one-hundredth anniversary of the election of Theodore Roosevelt as President of the United States.

Filed March 26, 2003

**CHAPTER 616****HOUSE CONCURRENT RESOLUTION NO. 3050**

(Representatives Ekstrom, N. Johnson, M. Klein)  
(Senators Cook, Espegard, Heitkamp)

**WORKERS' COMPENSATION DEATH BENEFITS  
STUDY**

A concurrent resolution directing the Legislative Council to study the equity of the current system for awarding workers' compensation death benefits and the feasibility and desirability of creating a death benefit investment system.

**WHEREAS**, as a result of injuries received in the workplace, some injured employees have permanent or long-term disabilities; and

**WHEREAS**, a permanent or long-term disability negatively impacts an injured employee's ability to earn a living and support that employee's family; and

**WHEREAS**, the cost of purchasing and maintaining life insurance is not only higher for an injured employee due to the disability, but is also less affordable due to decreased income; and

**WHEREAS**, it is questionable whether the state's workers' compensation system adequately addresses problems injured employees face in providing for their survivors after death; and

**WHEREAS**, other states, such as Washington, have created workers' compensation death benefit investment systems that address these problems;

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

That the Legislative Council study the equity of the state's current system for awarding workers' compensation death benefits and the feasibility and desirability of creating a death benefit investment 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-ninth Legislative Assembly.

Filed March 26, 2003

**CHAPTER 617****HOUSE CONCURRENT RESOLUTION NO. 3051**

(Representatives Gulleason, Nelson, Solberg)

(Senators Grindberg, Heitkamp, Taylor)

**ECONOMIC DEVELOPMENT STUDY**

A concurrent resolution directing the Legislative Council to study economic development efforts associated with and including establishment of a Red River Valley business and technology development zone and methods through which programs receiving funding from the United States Department of Agriculture rural economic area partnership, empowerment zone, enterprise community, and champion community programs can be enhanced.

**WHEREAS**, technology zones in other states have been used to stimulate the growth of technology-based businesses and jobs by aiding in the creation of recognized clusters of new and emerging businesses; and

**WHEREAS**, businesses and communities in this state have received funding assistance from the United States Department of Agriculture rural economic area partnership, empowerment zone, enterprise community, and champion community programs; and

**WHEREAS**, establishment of technology zones such as a Red River Valley business and technology development zone and development of rural economic area partnerships and empowerment zones could provide needed economic development in the state; and

**WHEREAS**, enhancement of current state economic development programs is needed to assist entrepreneurs and communities in the state;

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

That the Legislative Council study economic development efforts associated with and including establishment of a Red River Valley business and technology development zone and methods through which programs receiving funding from the United States Department of Agriculture rural economic area partnership, empowerment zone, enterprise community, and champion community programs can be enhanced; and

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

Filed March 18, 2003

**CHAPTER 618****HOUSE CONCURRENT RESOLUTION NO. 3052**

(Representatives Hawken, Delmore, D. Johnson, R. Kelsch)  
(Senators Cook, Flakoll)

**SCHOOL DISTRICT DATA COLLECTION AND  
REPORTING STUDY**

A concurrent resolution directing the Legislative Council to study school district data collection and reporting requirements.

**WHEREAS**, school districts are required to collect and submit data to a variety of entities, including the superintendent of public instruction, the education standards and practices board, the state board for vocational and technical education, and the educational technology council; and

**WHEREAS**, the data that is to be collected and submitted affects students, staff, school operations, and specific programs; and

**WHEREAS**, data collection and submission requirements are expected to increase because of new federal and state education statutes and rules; and

**WHEREAS**, some of the data that is required is duplicative and some of the data that is required is of little value; and

**WHEREAS**, electronic reporting systems do not always function in a manner that allows for maximum efficiency in data collection and reporting;

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

That the Legislative Council study school district data collection and reporting requirements, including the complexity of the requirements, the ability of school districts to comply with the requirements, and methods for ensuring efficiency in the data collection and reporting process; and

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

Filed March 26, 2003



**CHAPTER 619****HOUSE CONCURRENT RESOLUTION NO. 3053**

(Representative Price)

(Senator J. Lee)

**EMERGENCY MANAGEMENT SYSTEM STUDY**

A concurrent resolution directing the Legislative Council to study the state's emergency management system, the impact of federal emergency reorganization on the state's emergency operations plan, and the emergency management preparedness of state agencies and local governments.

**WHEREAS**, terrorism and pestilence pose serious threats to society that may require extraordinary measures to protect the privacy, health, and safety of the citizens of this state; and

**WHEREAS**, the North Dakota disaster act gives the governor broad, but appropriate, powers in the event of a disaster or emergency; and

**WHEREAS**, the federal government is evaluating and reorganizing federal agencies to increase the national disaster readiness capability; and

**WHEREAS**, a review of disaster response readiness should be conducted to determine the adequacy of the state emergency management system, the impact of federal reorganization on the state's emergency operations plan, and the ability of state agencies and local governments to carry out that plan and ensure that this state is in a position to protect the health and welfare of its citizens if an extraordinary event were to occur;

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

That the Legislative Council study the state's emergency management system, the impact of federal emergency management reorganization on the state's emergency operations plan, and the emergency management preparedness of state agencies and local governments; and

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

Filed April 11, 2003

**CHAPTER 620****HOUSE CONCURRENT RESOLUTION NO. 3054**

(Representative Price)  
(Senator J. Lee)

**PUBLIC HEALTH UNIT STUDY**

A concurrent resolution directing the Legislative Council to study the state's public health unit infrastructure and the ability of the public health units to respond to public health issues, including disease and other physical health, environmental, and disaster-related issues.

**WHEREAS**, all counties of the state are included in one of 28 public health units; and

**WHEREAS**, there is a need to evaluate core services provided by the local public health units; and

**WHEREAS**, there is a need to assess the independent needs of each public health unit and determine the level of service that should be provided by public health units; and

**WHEREAS**, there is a need to evaluate and determine the human and financial resources available and the most cost-effective way of providing public health services in 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 state's public health unit infrastructure and the ability of the public health units to respond to public health issues, including disease and other physical health, environmental, and disaster-related issues; and

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

Filed March 26, 2003

**CHAPTER 621****HOUSE CONCURRENT RESOLUTION NO. 3055**

(Representatives Mueller, DeKrey, Gulleson, Herbel, Kreidt)  
(Senator Urlacher)

**RURAL COMMUNITY REVITALIZATION STUDY**

A concurrent resolution directing the Legislative Council to study the patterns of migration from rural to urban areas experienced by this state and by other Midwestern states and explore various opportunities for revitalizing and strengthening rural communities, including new initiatives and reforms of existing policies, so that our rural communities can attract and be home to citizens of all ages.

**WHEREAS**, our state's population continues to leave the rural areas in favor of urban areas; and

**WHEREAS**, 36.9 percent of this state's population now resides in the easternmost counties--those that border the Red River--and one out of every five North Dakotans now resides in Cass County; and

**WHEREAS**, during the 1990s, only six of this state's 53 counties showed any growth in population and only Benson, Burleigh, Cass, Rolette, and Sioux Counties showed any increase in children under age 18; and

**WHEREAS**, in order to stem the tide of migration from the rural areas of this state and create a viable future for rural communities, consideration must be given to making critical investments in rural community development; and

**WHEREAS**, agriculture alone cannot revitalize rural communities and nonfarm strategies for small business development must also be explored;

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

That the Legislative Council study the patterns of migration from rural to urban areas experienced by this state and by other Midwestern states and explore various opportunities for revitalizing and strengthening rural communities, including new initiatives and reforms of existing policies, so that our rural communities can attract and be home to citizens of all ages; and

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

Filed April 3, 2003

**CHAPTER 622****HOUSE CONCURRENT RESOLUTION NO. 3056**

(Representatives Boucher, Devlin, Svedjan)  
(Senator Mathern)

**MEDICAL INSURANCE CRISIS STUDY**

A concurrent resolution directing the Legislative Council to study whether this state is experiencing a medical insurance crisis that impacts the availability and affordability of liability insurance for medical providers and medical facilities, including a study of methods of improving the availability and affordability of liability insurance and the feasibility of allowing medical providers and medical facilities to participate in an insurance reserve fund managed by the North Dakota Insurance Reserve Fund or other like entity.

**WHEREAS**, national, regional, and local reports in the media indicate there is a medical insurance crisis in the country, region, and state; and

**WHEREAS**, lack of availability and affordability of medical liability insurance will negatively impact the provision of medical services within this state, including the availability of childbirth medical services and nursing homes; and

**WHEREAS**, states are taking a variety of approaches to address the medical insurance crisis, including insurance market interventions, tort reforms, alternative dispute resolution, and patient safety efforts; and

**WHEREAS**, in order to effectively address any medical insurance problem in this state in a manner that is specific to the needs of this state, it is necessary to fully understand the unique dynamics of such a problem as they may exist in this state;

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

That the Legislative Council study whether this state is experiencing a medical insurance crisis that impacts the availability and affordability of liability insurance for medical providers and medical facilities, including a study of methods of improving the availability and affordability of liability insurance and the feasibility of allowing medical providers and medical facilities to participate in an insurance reserve fund managed by the North Dakota Insurance Reserve Fund or other like entity; and

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

Filed April 3, 2003

**CHAPTER 623****HOUSE CONCURRENT RESOLUTION NO. 3059**

(Representatives Koppelman, DeKrey, Grande, S. Kelsh, Maragos)  
(Senator Dever)

**SMALL CLAIMS COURT STUDY**

A concurrent resolution directing the Legislative Council to study small claims court.

**WHEREAS**, small claims court provides inexpensive access to informal proceedings to resolve minor claims for the recovery of money or for the cancellation of an agreement; and

**WHEREAS**, an election by the plaintiff to proceed in small claims court is irrevocable and the plaintiff waives the right of appeal; and

**WHEREAS**, a defendant who elects not to remove the action from small claims court waives the right of appeal; and

**WHEREAS**, an appeal mechanism has been requested by the legal and business communities and by the public; and

**WHEREAS**, because of the restrictions on the right to appeal, many residents are bypassing small claims court because of the finality of decisions, thereby burdening the resources of district court with minor disputes;

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

That the Legislative Council study small claims court; and

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

Filed April 4, 2003

**CHAPTER 624****HOUSE CONCURRENT RESOLUTION NO. 3060**

(Representatives Weiler, Berg, Dosch)

**UNEMPLOYMENT COMPENSATION SYSTEM STUDY**

A concurrent resolution directing the Legislative Council to study the state's unemployment compensation system, including reserve guidelines for the unemployment trust fund, the system for ratesetting, treatment of positive balance and negative balance employers, and the feasibility and desirability of creating an unemployment compensation board.

**WHEREAS**, the business and employment environment in this state is directly related to growing a healthy, thriving economy and working environment; and

**WHEREAS**, the law addressing unemployment compensation ratesetting in North Dakota has undergone a continuing evolution over the last decade and continues to evolve; and

**WHEREAS**, the Workers Compensation Board of Directors is a model that may be beneficial to incorporate into the state's unemployment compensation system;

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

That the Legislative Council study the state's unemployment compensation system, including reserve guidelines for the unemployment trust fund, the system for ratesetting, treatment of positive balance and negative balance employers, and the feasibility and desirability of creating an unemployment compensation board; and

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

Filed March 26, 2003

**CHAPTER 625****HOUSE CONCURRENT RESOLUTION NO. 3061**

(Representative Carlson)  
(Senator Robinson)

**ELECTRIC UTILITY TAXATION STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting legislation to tax electric utility providers with a fair and uniform tax system.

**WHEREAS**, investor-owned electric utilities in North Dakota pay a public utility property tax on their transmission and distribution property while electric cooperatives pay land taxes and replacement property taxes including a two percent gross receipts tax and a high-voltage transmission line tax; and

**WHEREAS**, investor-owned electric utilities are subject to state and federal corporate income taxes; and

**WHEREAS**, this nonuniform system of taxation results in disparities in tax collections among the state and its political subdivisions and creates unfairness in tax burdens among electric utilities; and

**WHEREAS**, the Legislative Assembly established the Electric Industry Competition Committee in 1997 as a six-year statutory committee to study changes in the electric utility industry; and

**WHEREAS**, the Electric Industry Competition Committee focused much of its study on developing a fair and uniform tax system applicable to both investor-owned utilities and electric cooperatives; and

**WHEREAS**, the Electric Industry Competition Committee gathered industry statistics and worked extensively with representatives of the electric utility industry in fashioning tax replacement plans; and

**WHEREAS**, the statute creating the Electric Industry Competition Committee expires on August 1, 2003;

**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 enacting legislation to tax electric utility providers with a fair and uniform tax 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-ninth Legislative Assembly.

Filed April 11, 2003

**CHAPTER 626****HOUSE CONCURRENT RESOLUTION NO. 3062**

(Representative Sandvig)

**VULNERABLE ADULT ABUSE AND NEGLECT STUDY**

A concurrent resolution directing the Legislative Council to study vulnerable adult abuse and neglect with an emphasis on whether certain individuals should be required to report suspected incidents of vulnerable adult abuse and neglect.

**WHEREAS**, adults with a substantial mental or functional impairment may be so vulnerable that they may not be able to protect themselves and may become targets of abuse, neglect, or exploitation; and

**WHEREAS**, adult abuse can happen in a variety of settings and in a variety of ways, including physical, emotional, financial, sexual, or be related to neglect; and

**WHEREAS**, the adult protective services program within the Department of Human Services provides protective services to vulnerable adults; and

**WHEREAS**, while North Dakota law requires certain individuals to report suspected child abuse and neglect, North Dakota Century Code Section 50-25.2-03 merely provides that an individual who suspects that a vulnerable adult is being abused or neglected may report the information to the Department of Human Services or an appropriate law enforcement agency; and

**WHEREAS**, requiring certain individuals to report suspected abuse or neglect may help reduce the incidents of abuse and neglect among vulnerable adults;

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

That the Legislative Council study vulnerable adult abuse and neglect with an emphasis on whether certain individuals should be required to report suspected incidents of vulnerable adult abuse and neglect; and

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

Filed March 26, 2003



**CHAPTER 627****HOUSE CONCURRENT RESOLUTION NO. 3063**

(Representative S. Kelsh)

**EMERGING LEADERS EXCHANGE PROGRAM STUDY**

A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an exchange program for emerging leaders.

**WHEREAS**, various organizations including the National Conference of State Legislatures and the State Legislative Leaders Foundation have established exchange programs through which leaders from this country and other countries have shared ideas to help create well-informed legislative bodies; and

**WHEREAS**, exchange programs provide the opportunity for emerging leaders in business and government to interact and share policy concerns and solutions with emerging leaders in other states and countries; and

**WHEREAS**, exchange programs for emerging leaders in the public and private sector offer a variety of perspectives on public policy development;

**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 an exchange program for emerging leaders; and

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

Filed April 3, 2003

**CHAPTER 628****HOUSE CONCURRENT RESOLUTION NO. 3064**

(Representatives Mueller, Delmore, Gulleon, Maragos)  
(Senators Espegard, Fischer)

**REMOTE-CONTROLLED LOCOMOTIVES STUDY**

A concurrent resolution directing the Legislative Council to study the use of remote-controlled locomotives and related safety and security.

**WHEREAS**, railroads have safety and security concerns especially when crossing highways, going over or around rivers and other public water supplies, and traveling through areas populated with residents of this state; and

**WHEREAS**, railroad equipment may present a significant danger to persons and property from collision, derailment, and release of hazardous materials and the cause of this danger may be intentional through deliberate acts or unintentional; and

**WHEREAS**, there may need to be requirements that a railroad operating a remote-controlled locomotive notify the appropriate city official before entering the city, follow established criteria for the safe transport and switching of hazardous materials, have quality assurance regarding training and adequacy of operators of remote-controlled locomotives that develop the appropriate skills needed for safe operation, and follow established criteria for effective and reliable protection and security of remote-controlled locomotives at any location accessible to the general public;

**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 remote-controlled locomotives and related safety and security; and

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

Filed March 26, 2003

**CHAPTER 629****HOUSE CONCURRENT RESOLUTION NO. 3072**

(Representatives Glassheim, Drovdal, Ekstrom, Keiser, Tieman, Warner)

**POPULATION GROWTH ENHANCEMENT STUDY**

A concurrent resolution directing the Legislative Council to study possible methods of growing North Dakota's population, including approaches to decreasing outmigration and increasing in-migration and reviewing how other states are dealing with related population issues.

**WHEREAS**, over the past 10 years North Dakota has experienced a population growth rate of one-half of one percent, which is the lowest growth rate in the nation and is substantially less than the growth rate of neighboring states; and

**WHEREAS**, the average age of all North Dakotans is continuing to increase, resulting in a reduction in the available workforce in the state; and

**WHEREAS**, not only is the state's population below the level necessary to sustain adequate funding for schools, rural health, emergency care, infrastructure, and other essential services, but these problems are even more severe in the rural areas of the state; and

**WHEREAS**, the Minneapolis-St. Paul urban center is projected to grow by 680,000 people over the course of the next 17 years, which could be a pool of possible recruits to move to North Dakota;

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

That the Legislative Council study possible methods of growing North Dakota's population, including approaches to decreasing outmigration and increasing in-migration and reviewing how other states are dealing with related population issues; and

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

Filed March 26, 2003

**CHAPTER 630****HOUSE CONCURRENT RESOLUTION NO. 3073**

(Representatives Glassheim, Aarsvold, DeKrey, Keiser, Severson)

**TAX PREFERENCES EFFECTIVENESS STUDY**

A concurrent resolution directing the Legislative Council to study the effectiveness and appropriateness of tax preferences provided by state law and discretionary action of political subdivisions.

**WHEREAS**, tax preferences in the form of exemptions, deductions, reductions, credits, and other forms of preferential treatment are provided by numerous provisions of state laws; and

**WHEREAS**, no agency of state government is specifically charged with responsibility for monitoring the appropriateness and effectiveness of tax credits in producing the results intended by the Legislative Assembly; and

**WHEREAS**, the state of North Dakota and North Dakota political subdivisions have a substantial stake in assuring the effectiveness and appropriateness of tax preferences because of the substantial loss of tax revenues associated with tax preferences; and

**WHEREAS**, the expressed intent of the Legislative Assembly in creating many tax preferences is that incentives will lead to increased economic activity which in turn will lead to increased tax collections to offset the effect of the tax preference and it is the responsibility of the Legislative Assembly to ensure that its intent in this regard is being realized;

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

That the Legislative Council study the effectiveness and appropriateness of tax preferences provided by state law and discretionary action of political subdivisions; and

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

Filed March 26, 2003

**CHAPTER 631****HOUSE CONCURRENT RESOLUTION NO. 3075**

(Representatives Galvin, Kreidt)

**MINE BOND RELEASE STUDY**

A concurrent resolution directing the Legislative Council to study and identify federal and state statutory and regulatory policies that discourage or prevent final bond release applications from being filed and study and identify Public Service Commission regulatory policies that could be implemented to encourage flexibility in proving reclamation success and reducing administrative and regulatory burdens necessary for bond release applications and study and identify actions being undertaken by the mining companies to achieve final bond release.

**WHEREAS**, there are approximately 50,000 acres of disturbed land under mining permits in this state and there is a 10-year statutory period once mining and initial reclamation are completed before final bond release can be achieved; and

**WHEREAS**, the Public Service Commission estimates that there may be between 8,000 and 10,000 acres of land that have been reclaimed for 10 years but for which no related final bond release requests by mining companies have been filed with the Public Service Commission; and

**WHEREAS**, the mining companies, regulatory agencies, and farmers and ranchers have mutual interests in obtaining timely bond release; and

**WHEREAS**, there are circumstances in which the land has been reclaimed for 10 years and is in full agricultural production where mining companies have not applied for final bond release due to the irregular shape of tracts, proximity to active operations, need for future access, and safety concerns for the landowners or tenants;

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

That the Legislative Council study and identify federal and state statutory and regulatory policies that discourage or prevent final bond release applications from being filed and study and identify Public Service Commission regulatory policies that could be implemented to encourage flexibility in proving reclamation success and reducing administrative and regulatory burdens necessary for bond release applications; and study and identify activities being undertaken by the mining companies to achieve final bond release; and

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

Filed March 26, 2003

**CHAPTER 632****HOUSE CONCURRENT RESOLUTION NO. 3076**

(Representatives R. Kelsch, Price)

(Approved by the Delayed Bills Committee)

**HEAD START RECOGNITION AND FUNDING URGED**

A concurrent resolution urging Congress to recognize the meritorious aspects and the successes of the Head Start program, maintain funding at the highest possible level, and reject any proposal to move Head Start from the Department of Health and Human Services to the Department of Education or to limit the scope of Head Start.

**WHEREAS**, Head Start is a 38-year-old federally funded program charged with preparing poverty-level preschoolers for elementary school; and

**WHEREAS**, Head Start also sends children to the dentist, the doctor, or the mental health professional and provides case management services as well as general educational development and parenting classes for families that live well below the federal poverty level; and

**WHEREAS**, Head Start has been overseen by the Department of Health and Human Services since 1965; and

**WHEREAS**, the President has proposed moving the program to the Department of Education and changing the focus of the program to one that promotes literacy; and

**WHEREAS**, the President's proposal is designed to place governors in charge of setting standards for teacher qualifications and instruction and determining which programs can receive Head Start money; and

**WHEREAS**, although the President's proposal is designed to allow states to increase all-day Head Start classes, coordinate state preschool programs with Head Start, and mesh preschool instruction with kindergarten through grade 12 curriculum, the proposal fails to recognize that Head Start is not just an early education program but a family support program and if the proposed changes are implemented, the family support aspect of Head Start will be lost; and

**WHEREAS**, if governors are in charge of the funding for Head Start programs, there is the possibility that the funding will be directed toward uses other than that for which it was intended especially in states facing budget deficits, resulting in cuts in prekindergarten programs and less resources going toward serving the neediest of the children;

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

That the Fifty-eighth Legislative Assembly urges Congress to recognize the meritorious aspects and the successes of the Head Start program, maintain funding at the highest possible level, and reject any proposal to move Head Start from the

Department of Health and Human Services to the Department of Education or any attempt to limit the scope of the Head Start program; and

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

Filed April 3, 2003

**CHAPTER 633****HOUSE CONCURRENT RESOLUTION NO. 3077**

(Representatives Belter, Berg, Carlson)  
(Senators Freborg, Nething, Stenehjem)  
(Approved by the Delayed Bills Committee)

**MIGUEL ESTRADA SUPPORT URGED**

A concurrent resolution urging the United States Senators for the state of North Dakota to support the floor vote and nomination of judicial nominee Miguel Estrada.

**WHEREAS**, on May 9, 2001, the President nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals from the District of Columbia Circuit; and

**WHEREAS**, Mr. Estrada's credentials are uncontested, beginning with his mastery of the English language and American culture upon his arrival to the United States as an immigrant from Honduras, and his graduation magna cum laude from Columbia University and Harvard Law School; and

**WHEREAS**, Mr. Estrada has received support from liberal and conservative colleagues alike who attest that he is one of the most brilliant and effective appellate lawyers in the country; and

**WHEREAS**, organizations who support Mr. Estrada include the League of United Latin American Citizens; United States Hispanic Chamber of Commerce; Hispanic National Bar Association; Hispanic Business Roundtable; and the Latino Coalition; and

**WHEREAS**, Mr. Estrada would be the first Hispanic in the country to sit on the United States Court of Appeals District of Columbia Circuit, an important and prestigious position within the nations' Court of Appeals; and

**WHEREAS**, after the Senate Judiciary Committee issued a favorable report to the United States Senate, over a year-and-a-half has passed without a vote on the Senate floor because of partisan politics, including a filibuster by Democratic Senators;

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

That the Fifty-eighth Legislative Assembly urges the United States Senators for the State of North Dakota to support the floor vote and nomination of the judicial nominee Miguel Estrada; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the United States Senators for the state of North Dakota.



**CHAPTER 634****HOUSE CONCURRENT RESOLUTION NO. 3078**

(Representatives D. Johnson, Nicholas)

(Senator Traynor)

(Approved by the Delayed Bills Committee)

**DEVILS LAKE PROPERTY OWNER REIMBURSEMENT  
URGED**

A concurrent resolution urging Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake.

**WHEREAS**, business owners and homeowners adversely impacted by the rising flood waters of Devils Lake were able to use flood insurance proceeds and Federal Emergency Management Agency funds to relocate their homes and businesses; and

**WHEREAS**, property owners, including farmers and ranchers, that have been adversely impacted by the rising flood waters of Devils Lake have not received funds to reimburse them for their losses; and

**WHEREAS**, at least seven miles of a pipeline that supplies municipal drinking water to the city of Devils Lake has been inundated by the rising flood waters of Devils Lake making it impossible to service the pipeline which jeopardizes the drinking water supply for the city of Devils Lake; and

**WHEREAS**, the city of Devils Lake is being challenged to meet stricter drinking water standards for arsenic; and

**WHEREAS**, obtaining a new and reliable source of drinking water for the city of Devils Lake may cost as much as \$30 million; and

**WHEREAS**, the United States Army Corp of Engineers has released its plans for a federal outlet to Devils Lake but the cost of constructing the federal outlet has increased dramatically; and

**WHEREAS**, it would be more economically feasible for the federal government to fund the state outlet;

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

That the Fifty-eighth Legislative Assembly urges Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake; 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 April 15, 2003

**CHAPTER 635****HOUSE CONCURRENT RESOLUTION NO. 3079**

(Representatives Monson, R. Kelsch, Skarphol)  
(Senators Freborg, Holmberg, Robinson)  
(Approved by the Delayed Bills Committee)

**E-RATE PROGRAM CONTINUATION URGED**

A concurrent resolution urging Congress to continue the Schools and Libraries Universal Service Support Mechanism, more commonly known as the e-rate program.

**WHEREAS**, Congress has provided for the creation of the Schools and Libraries Universal Service Support Mechanism to ensure that all eligible schools and libraries in the United States have affordable access to modern telecommunications and information services; and

**WHEREAS**, the citizens of the state of North Dakota are assessed federal universal service fees to support the Schools and Libraries Universal Service Support Mechanism; and

**WHEREAS**, the state of North Dakota receives approximately \$2 million per year to assist with the kindergarten through grade 12 operation of the state's wide area network, and schools and libraries in the state receive approximately \$2 million per year to assist with information technology activities;

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

That the Fifty-eighth Legislative Assembly urges the Congress of the United States to continue the Schools and Libraries Universal Service Support Mechanism, more commonly known as the e-rate program; and

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

Filed April 15, 2003