

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 522

HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Management)
(Agriculture Committee)

A concurrent resolution directing the Legislative Management to continue its study of North Dakota Century Code provisions that relate to agriculture.

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are inconsistent or unclear in their intent and direction; and

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are not reflective of current practices or needs; and

WHEREAS, many of the North Dakota Century Code provisions that relate to agriculture are illogically arranged or placed; and

WHEREAS, the Legislative Management's interim Agriculture Committee conducted studies during the two preceding interims which resulted in recommendations for the revision of numerous North Dakota Century Code chapters that relate to agriculture;

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

That the Legislative Management continue its study of North Dakota Century Code provisions that relate to agriculture for the purpose of recommending changes to laws that are found to be irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed March 28, 2011

CHAPTER 523

HOUSE CONCURRENT RESOLUTION NO. 3002

(Legislative Management)
(Budget Section)

A concurrent resolution authorizing the Budget Section of the Legislative Management 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 Sixty-second 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 2012 and thus its public hearing responsibility for grants not approved by the Sixty-second 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 appropriation bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grant moneys for the period ending September 30, 2013; and

BE IT FURTHER RESOLVED, that the Budget Section of the Legislative Management 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 Sixty-second Legislative Assembly through September 30, 2013, 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 28, 2011

CHAPTER 524

HOUSE CONCURRENT RESOLUTION NO. 3003

(Legislative Management)
(Industry, Business, and Labor Committee)

A concurrent resolution directing the Legislative Management to continue studying the impact of federal health care reform legislation on this state.

WHEREAS, in March 2010, the United States Congress adopted the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act; and

WHEREAS, during the 2009-10 interim, the Legislative Management's interim Industry, Business, and Labor Committee monitored the consideration and subsequent adoption of the federal health care reform legislation and attempted to determine the fiscal impact of the legislation on the state; and

WHEREAS, the full impact of the federal health care reform legislation on this state and its citizens, health care providers, and health insurers will not be determined until the legislation becomes fully implemented and corresponding federal rules and regulations are adopted; and

WHEREAS, continued study of the impact of federal health care reform legislation is necessary so that the state can react to the requirements of the law as the provisions of the law are implemented;

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

That the Legislative Management continue its study of the impact of federal health care reform legislation on this state; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly or, if necessary, to a reconvened or special session of the Sixty-second Legislative Assembly.

Filed April 1, 2011

CHAPTER 525

HOUSE CONCURRENT RESOLUTION NO. 3005

(Representatives Monson, Carlson, Drovdal, Vigesaa)
(Senators Stenehjem, Wardner)

A concurrent resolution recognizing the 25th anniversary of the formation of North Dakota's sister state relationship with the Province of Taiwan, Republic of China.

WHEREAS, North Dakota has enjoyed a sister state relationship with Taiwan since April 3, 1986; and

WHEREAS, the people of this state and of Taiwan have enjoyed a long history of friendly relations and increased international understanding and have benefited from growing commercial and educational interaction between North Dakota and Taiwan; and

WHEREAS, in 2009 North Dakota-exported goods to Taiwan were valued at nearly \$4 billion; and

WHEREAS, over the last 20 years, the University of North Dakota has educated more than 250 pilots from Taiwan; and

WHEREAS, North Dakota has long-standing partnerships with Taiwan, including both states hosting visiting public and private sector representatives to facilitate trade;

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

That the Sixty-second Legislative Assembly takes pride in recognizing the 25th anniversary of the formation of North Dakota's sister state relationship with Taiwan and looks forward to this relationship continuing for years to come; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of Taiwan, the Governor of North Dakota, the Speaker of the Taiwan Provincial Consultative Council, the Taipei Economic and Cultural Office in Kansas City, Missouri, and the Executive Director of the North Dakota Trade Office.

Filed March 28, 2011

CHAPTER 526

HOUSE CONCURRENT RESOLUTION NO. 3006

(Representative R. Kelsch)
(Senator Dever)

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 Sixty-second Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the daily wages indicated:

HOUSE

Chief clerk	\$161
Assistant chief clerk	142
Journal reporter	157
Calendar clerk	142
Bill clerk	136
Sergeant-at-arms	126
Administrative assistant to majority leader	148
Staff assistant to majority leader	148
Administrative assistant to minority leader	148
Staff assistant to minority leader	148
Administrative assistant to Speaker	148
Chief committee clerk	148
Appropriations Committee clerk	148
Assistant Appropriations Committee clerk	142
Committee clerk for three-day committee	142
Committee clerk for two-day committee	132
Assistant committee clerk	132
Deputy sergeant-at-arms	104
Chief page and bill book clerk	115
Legislative assistant	98

SENATE

Secretary of the Senate	\$161
Assistant secretary of the Senate	142
Journal reporter	157
Calendar clerk	142
Bill clerk	136
Sergeant-at-arms	126
Administrative assistant to majority leader	148
Staff assistant to majority leader	148
Administrative assistant to minority leader	148
Staff assistant to minority leader	148
Chief committee clerk	148
Appropriations Committee clerk	148

Assistant Appropriations Committee clerk	142
Committee clerk for three-day committee	142
Committee clerk for two-day committee	132
Assistant committee clerk	132
Payroll clerk	120
Deputy sergeant-at-arms	104
Chief page and bill book clerk	115
Legislative assistant	98

BE IT FURTHER RESOLVED, that each employee of the Sixty-second 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 and each minority leader is entitled to one administrative assistant and 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 19, 2011

CHAPTER 527

HOUSE CONCURRENT RESOLUTION NO. 3007

(Representatives Amerman, J. Kelsh)
(Senator Dotzenrod)

A concurrent resolution directing the Legislative Management to study eminent domain laws as they relate to pipeline siting.

WHEREAS, pipelines may be built across multiple states, including this state, without a direct benefit to the people of this state; and

WHEREAS, the eminent domain laws of this state may be used against property owners in this state to locate a pipeline on their property without their consent; and

WHEREAS, the property taken by eminent domain may be taken without consideration for the surrounding property and future uses of the property; and

WHEREAS, the burden is on the property owner to defend against eminent domain for which the property owner incurs legal fees and costs;

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

That the Legislative Management study eminent domain laws as they relate to pipeline siting; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed March 28, 2011

CHAPTER 528

HOUSE CONCURRENT RESOLUTION NO. 3008

(Representatives DeKrey, Kempenich, Skarphol)
(Senators Christmann, Wardner, O'Connell)

A concurrent resolution urging Congress to clearly delegate responsibility for the regulation of hydraulic fracturing to the states.

WHEREAS, hydraulic fracturing, a mechanical method of increasing the permeability of rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil and gas production in North Dakota; and

WHEREAS, oil and gas production increases in North Dakota have led to growth in employment and economic development as well as promotion of energy independence for the United States; and

WHEREAS, the state of North Dakota, through the Oil and Gas Division of the Department of Mineral Resources, has proven more than capable of regulating oil and gas recovery processes and ensuring the safety of workers while protecting the environment; and

WHEREAS, the state, through the Oil and Gas Division of the Department of Mineral Resources, is best situated to closely monitor oil and gas drilling and fracturing operations to ensure they are conducted in an environmentally sound manner;

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

That the Sixty-second Legislative Assembly urges the Congress of the United States to clearly delegate responsibility for the regulation of hydraulic fracturing to the states; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the administrator of the Environmental Protection Agency and to each member of the North Dakota Congressional Delegation.

Filed March 28, 2011

CHAPTER 529

HOUSE CONCURRENT RESOLUTION NO. 3010

(Representatives Kroeber, Hanson, Keiser, Mueller)
(Senators Wardner, Robinson)

A concurrent resolution directing the Legislative Management to study passenger rail service within the state, including options for the implementation of a passenger rail service route in the southern part of the state.

WHEREAS, the cost of transportation by automobile is unpredictable due to the volatility in the price of petroleum products; and

WHEREAS, passenger rail provides a more fuel-efficient and cleaner transportation system; and

WHEREAS, passenger rail service is important for citizens who have limited public transportation options; and

WHEREAS, the North Coast Hiawatha passenger rail route ceased operation through southern North Dakota in 1979; and

WHEREAS, the federal Passenger Rail Investment and Improvement Act of 2008 provided for a federal study of the feasibility of reinstating the North Coast Hiawatha passenger rail route; and

WHEREAS, this state is a member of the Midwest Interstate Passenger Rail Compact, the purpose of which is to promote passenger rail service in the Midwest;

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

That the Legislative Management study passenger rail service in the state, including options for implementing passenger rail service in the southern part of the state; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed March 28, 2011

CHAPTER 530

HOUSE CONCURRENT RESOLUTION NO. 3011

(Representatives Klemin, Kretschmar)
(Senators Hogue, Nething)

A concurrent resolution directing the Legislative Management to continue its study of the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act.

WHEREAS, in 2006 the National Conference of Commissioners on Uniform State Laws approved and recommended for enactment in all states the Revised Uniform Limited Liability Company Act, which revises the Uniform Limited Liability Company Act; and

WHEREAS, historically, North Dakota's business entity laws have been drafted with the cooperation and input of interested persons, including the Secretary of State, and have taken into account the business entity laws of Minnesota; and

WHEREAS, the North Dakota Commission on Uniform State Laws supports introduction of the Revised Uniform Limited Liability Company Act; and

WHEREAS, during the 2009-10 interim, the Legislative Management's interim Judiciary Committee studied the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act; and

WHEREAS, in its study of the Revised Uniform Limited Liability Company Act, the interim Judiciary Committee received information that due to implementation concerns that the revised Act has raised in various states, the National Conference considered revisions to the Act during its summer 2010 meeting, with final approval of those revisions scheduled for the summer of 2011; and

WHEREAS, based upon recommendations of the State Bar Association of North Dakota and the Secretary of State, the interim Judiciary Committee recommended the continuation of the study of the Revised Uniform Limited Liability Company Act during the 2011-12 interim;

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

That the Legislative Management continue its study of the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 6, 2011

CHAPTER 531

HOUSE CONCURRENT RESOLUTION NO. 3013

(Representatives Kasper, Headland, Ruby, Thoreson, Wrangham)
(Senator Hogue)

A concurrent resolution to recognize February 6, 2011, as "Ronald Reagan Day" in North Dakota.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America, the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election--a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, President Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2011, will be the 100th anniversary of Ronald Reagan's birth;

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

That the Sixty-second Legislative Assembly declares February 6, 2011, to be "Ronald Reagan Day" in North Dakota; and

BE IT FURTHER RESOLVED, that all citizens of the state of North Dakota are urged to take cognizance of this event and to participate fittingly in its observance.

Filed February 4, 2011

CHAPTER 532

HOUSE CONCURRENT RESOLUTION NO. 3015

(Representatives Kasper, Headland, Keiser, Thoreson, Weiler)
(Senator Wardner)

A concurrent resolution reaffirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

WHEREAS, the 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

WHEREAS, the 10th Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the 10th Amendment means that the federal government was created by the states and the powers of the federal government are limited and enumerated; and

WHEREAS, in 2011 the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal laws are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, the 10th Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, the United States Supreme Court ruled in *New York v. United States*, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; and

WHEREAS, the Sixty-first Legislative Assembly affirmed this state's sovereignty under the 10th Amendment to the Constitution of the United States;

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

That the Sixty-second Legislative Assembly reaffirms this state's sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States and continues its demand that the federal government halt its practice of assuming powers and imposing mandates upon the states for purposes not enumerated in the Constitution of the United States; and

BE IT FURTHER RESOLVED, that this resolution serves as notice and demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of constitutionally delegated powers; and

BE IT FURTHER RESOLVED, that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, each justice of the Supreme Court of the United States, each judge in the United States Court of Appeals for the Eighth Circuit, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed April 6, 2011

CHAPTER 533

HOUSE CONCURRENT RESOLUTION NO. 3016

(Representatives Kasper, Headland, Kempenich, Sukut, Weiler)
(Senator Klein)

A concurrent resolution urging Congress to repeal the Patient Protection and Affordable Care Act.

WHEREAS, the United States Congress passed and the President signed into law the Patient Protection and Affordable Care Act on March 23, 2010; and

WHEREAS, the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, comprises comprehensive federal health care reform legislation, which is commonly referred to as the Affordable Care Act; and

WHEREAS, this law is likely to increase health care costs, raise taxes, negatively affect senior citizens, reduce the quality of care that Americans will receive, limit consumer choice in accessing private health insurance, and may reduce the ability of American companies to compete; and

WHEREAS, the law may constrain the freedom of individuals to choose their own doctor and may interfere with individuals' ability to make personal health care decisions; and

WHEREAS, a government-controlled health care system is likely to increase spending for health care and result in the risk of policymakers rationing care as a cost-containment measure; and

WHEREAS, according to the Congressional Budget Office, the law could cause millions of Americans who receive health insurance through their employer to lose their health insurance coverage and also result in premiums in the individual and small group markets to substantially increase; and

WHEREAS, the United States Department of Health and Human Services will dictate what benefits insurers must offer and how much to charge; and

WHEREAS, because reimbursement for health care providers treating patients on Medicare and Medicaid is often less than the cost of providing the care, additional reductions in Medicare and Medicaid reimbursement may further contribute to health care provider shortages; and

WHEREAS, the law will increase taxes on employers who do not offer adequate insurance and will increase taxes on investment income, which in turn will reduce capital available for job expansion, reduce economic growth, and result in fewer jobs for Americans; and

WHEREAS, the law may harm seniors by making cuts from the Medicare budget and causing seniors to lose the health insurance coverage they currently possess; and

WHEREAS, the provisions of the law will add to the national debt; and

WHEREAS, the provisions of the law aimed at reducing health care spending address the symptoms of the cost of health care rather than the root causes of growth in health care spending;

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

That the Sixty-second Legislative Assembly urges Congress to repeal the Patient Protection and Affordable Care Act; 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 20, 2011

CHAPTER 534

HOUSE CONCURRENT RESOLUTION NO. 3019

(Representatives Schmidt, Carlson, Hofstad, Porter)
(Senators Schaible, Stenehjem)

A concurrent resolution urging the United States Army Corps of Engineers to immediately cease wrongful denial of access and wrongful requirement of payment for the natural flows of the Missouri River.

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

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

WHEREAS, the state of North Dakota lost more than 500,000 acres of valuable river bottom lands as a result of construction of the Missouri River reservoirs and the 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, the United States Army Corps of Engineers, through the Surplus Water Report, is clearly challenging the state of North Dakota and the upper basin states' rights to access the states' natural flows; and

WHEREAS, the Flood Control Act of 1944, as amended in 1958, limits any repayment requirement by any water user for a term not to exceed 50 years; and

WHEREAS, in contradiction to the Dakota Water Resources Act of 2000 and the 1958 Water Supply Act, the United States Army Corps of Engineers is forcing reimbursement of nonreimbursable costs by withholding review of future easement applications; and

WHEREAS, before the dams were constructed, the Missouri River provided ample water; and

WHEREAS, the natural flows of the Missouri River, even during the lowest flow periods, were and continue to be more than plentiful for the needs of North Dakota; and

WHEREAS, the natural flows of the Missouri River through Lake Sakakawea and Lake Oahe are not, and should not be, considered stored water; and

WHEREAS, any attempt by the United States Army Corps of Engineers to impose a storage fee and deny water users in the state to access the natural flows of the Missouri River is misguided;

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

That the Sixty-second Legislative Assembly urges the United States Army Corps of Engineers to immediately cease wrongful denial of access and wrongful requirement of payment for the natural flows of the Missouri River; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution by certified mail with return receipt to the President of the United States; the Majority Leader of the United States Senate; the Minority Leader of the United States Senate; the Majority Leader of the United States House of Representatives; the Minority Leader of the United States House of Representatives; the Speaker of the United States House of Representatives; the District Engineer, Omaha District, United States Army Corps of Engineers; 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 Governor; the Attorney General; each member of the State Water Commission; and each member of the North Dakota Congressional Delegation.

Filed March 28, 2011

CHAPTER 535

HOUSE CONCURRENT RESOLUTION NO. 3020

(Representatives Mock, D. Johnson, Gruchalla, Holman, Kroeber)
(Senator Burckhard)

A concurrent resolution congratulating the North Dakota Highway Patrol on its 75th anniversary.

WHEREAS, the Highway Patrol was created by the 1935 Legislative Assembly, and in 1936 five Highway Police were appointed by the Highway Patrol superintendent; and

WHEREAS, the duty to enforce the provisions of law relating to the protection and use of public highways in this state and the operation of motor vehicles on the highways was expanded to include the enforcement of all criminal laws on highways in 1967; and

WHEREAS, the responsibilities of the Highway Patrol were expanded to include the operation of the law enforcement training center in 1971; and

WHEREAS, all security duties for the Capitol were placed under the direction of the Highway Patrol in 2005; and

WHEREAS, since 1962 the Highway Patrol has provided two troopers to attend the American Legion's North Dakota Boys State as counseling staff; and

WHEREAS, the Highway Patrol and the North Dakota Motor Carriers Association are jointly involved in selecting the trooper of the year and the motor carrier driver of the year;

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

That the Sixty-second Legislative Assembly congratulates the North Dakota Highway Patrol on its 75th anniversary; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, the Superintendent of the Highway Patrol, the state office of the American Legion, and the North Dakota Motor Carriers Association.

Filed March 28, 2011

CHAPTER 536

HOUSE CONCURRENT RESOLUTION NO. 3021

(Representatives Heller, Delzer, Kreidt, Wrangham)
(Senators Christmann, Freborg)

A concurrent resolution urging the Citizen's Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners and their contributions to our nation.

WHEREAS, our entire nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous work which they perform so that the people of this nation can have the fuel we need to operate our industries and to heat our homes; and

WHEREAS, coal mining is as much a culture as it is an industry; and

WHEREAS, miners sacrifice life and limb with little recognition and it would be proper and fitting for our nation to recognize our coal miners, past and present, for their contributions; and

WHEREAS, the coal industry in this state employs over 4,000 workers;

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

That the Sixty-second Legislative Assembly urges the Citizen's Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners and their contributions to our nation; and

BE IT FURTHER RESOLVED, that the Secretary of State forwards copies of this resolution to the Citizen's Stamp Advisory Committee, to the presiding officer of each house of Congress, and to each member of the North Dakota Congressional Delegation.

Filed March 28, 2011

CHAPTER 537

HOUSE CONCURRENT RESOLUTION NO. 3022

(Representatives Headland, Thoreson, S. Meyer)
(Senators Burckhard, Christmann, Dotzenrod)

A concurrent resolution urging the Federal Communications Commission to make substantive changes to the National Broadband Plan so that the plan does not limit the future economic livelihood and social well-being of rural consumers.

WHEREAS, North Dakotans living in rural areas deserve and expect the same high-quality, affordable communications services that are available to their urban neighbors; and

WHEREAS, rural businesses, farmers, and ranchers compete in the global marketplace and depend on affordable access to robust broadband services to market and sell products around the world, similar to businesses in urban areas; and

WHEREAS, children living in rural areas should have the same educational opportunities as their urban counterparts and high-speed Internet access is absolutely necessary to allow these students opportunities for advanced learning through distance education; and

WHEREAS, residents living in rural areas face unique health care challenges because of the distances that must be traveled to seek basic and advanced medical care and telemedicine, and telehealth delivered via broadband networks can improve the health of rural residents by reducing the time and travel needed for high-quality health care; and

WHEREAS, many rural areas encounter significant challenges in pursuing and sustaining economic development plans that bring quality, higher-paying jobs to their communities, and insufficient robust broadband speeds will further hamper the economic development needs of many rural communities; and

WHEREAS, the United States Department of Agriculture rightfully has placed significant importance on the need for broadband access in rural America to improve the quality of life and economic development; and

WHEREAS, communications providers that serve this state's small towns and rural areas have done an outstanding job of ensuring their consumers have access to affordable, reliable broadband services through the assistance of the federal universal service fund and the United States Department of Agriculture Rural Utilities Service loan and grant programs; and

WHEREAS, contrary to the success many small, rural communications providers have had in deploying broadband, the Federal Communications Commission is embarking on a National Broadband Plan that will negatively impact the ability of rural North Dakotans to realize the true benefits of access to robust broadband speeds by

limiting support to four megabits per second in rural, high-cost areas of the country, while calling for 100 million urban homes to have access to broadband speeds at 100 megabits per second by 2020; and

WHEREAS, the National Broadband Plan runs counter to the federal policy of universal service which ensures access to comparable communications services at roughly similar costs regardless of the location of the consumer;

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

That the Sixty-second Legislative Assembly of North Dakota urges the Federal Communications Commission to make substantive changes to the National Broadband Plan so that the plan does not limit the future economic livelihood and social well-being of rural consumers; and

BE IT FURTHER RESOLVED, that the Sixty-second Legislative Assembly of North Dakota encourages the North Dakota Congressional Delegation to work with the Federal Communications Commission to ensure the understanding of the importance of a robust broadband development to rural North Dakota and how the current draft of the National Broadband Plan needs to be dramatically altered to ensure quality broadband services availability throughout this state; and

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

Filed March 28, 2011

CHAPTER 538

HOUSE CONCURRENT RESOLUTION NO. 3024

(Representatives Pollert, Brandenburg, D. Johnson)
(Senators Klein, O'Connell)

A concurrent resolution congratulating the North Dakota Grain Dealers Association as it celebrates 100 years of existence.

WHEREAS, grain production has been an integral part of North Dakota's history and continues to be an integral part of the state's economy; and

WHEREAS, the bountiful grain harvests of this state move through elevators, large and small, that have stood and continue to stand as proud hallmarks of our great agricultural traditions; and

WHEREAS, the North Dakota Grain Dealers Association, and its predecessor, the Farmers' Grain Dealers Association of North Dakota, have through their voluntary membership represented the interests of this state's grain elevators in legislative and regulatory settings; and

WHEREAS, the North Dakota Grain Dealers Association continues to represent and promote the interests of grain elevators through safety inspections, employee training, bonding and insurance services, publications, education, and convention and industry trade shows; and

WHEREAS, the North Dakota Grain Dealers Association, through its educational foundation, makes available scholarships and grants to students who are interested in pursuing careers in agriculture and supports agricultural programs at schools and institutions of higher education throughout this state; and

WHEREAS, the North Dakota Grain Dealers Association will celebrate 100 years of existence on May 23, 2011;

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

That the Legislative Assembly of North Dakota takes great pride in offering its sincerest congratulations to the North Dakota Grain Dealers Association as it celebrates 100 years of existence; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, the Agriculture Commissioner, each public service commissioner, and the president of the North Dakota Grain Dealers Association.

Filed March 28, 2011

CHAPTER 539

HOUSE CONCURRENT RESOLUTION NO. 3025

(Representatives D. Johnson, Monson, Delmore)
(Senators Fischer, Wardner)

A concurrent resolution declaring March 10, 2011, as "Canada Day at the North Dakota Capitol".

WHEREAS, Canada and the United States share a rich and vibrant history of democratic governance, military and economic partnerships, and cultural ties; and

WHEREAS, Canada is the largest trade partner of the United States, and the number of Canadian tourists visiting this country exceeds the number from any other country; and

WHEREAS, more than one-half of all exports from North Dakota go to Canada; and

WHEREAS, Canadian visitors to North Dakota contribute approximately \$300 million annually to the North Dakota economy; and

WHEREAS, North Dakota and its neighboring Canadian provinces share common industries, including agriculture and energy development; and

WHEREAS, since 1932 the International Peace Garden has been a symbol of the friendship between two neighbors that share the world's longest unfortified border;

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

That the Sixty-second Legislative Assembly declares March 10, 2011, as "Canada Day at the North Dakota Capitol"; and

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

Filed March 9, 2011

CHAPTER 540

HOUSE CONCURRENT RESOLUTION NO. 3026

(Representatives Headland, Belter, Brandenburg)
(Senators Miller, Uglem, Wanzek)

A concurrent resolution urging Congress to require renegotiation of United States Fish and Wildlife Service wetlands easements.

WHEREAS, many United States Fish and Wildlife Service easements were acquired without consideration of the detrimental impact the easement may have on an individual's farming operations; and

WHEREAS, the terms of many wetland easements obtained by representatives of the United States Fish and Wildlife Service were not clearly defined; and

WHEREAS, many easements are not specifically delineated and have been viewed as covering an entire parcel of property rather than the wetland itself, thus unfairly burdening the farming operations of the property owner; and

WHEREAS, if wetlands are to be protected to the extent desired by the United States Fish and Wildlife Service, then large volumes of water in surficial, unconfined aquifers in North Dakota will be prevented from being put to beneficial use; and

WHEREAS, the contemporary interpretation of United States Fish and Wildlife Service wetland easements by the service is outside the scope of the original intent of the easement that was to prevent surface drainage of wetlands; and

WHEREAS, the United States Fish and Wildlife Service is not following federal court decisions that have been rendered concerning the acquisition of easements by the United States Fish and Wildlife Service; and

WHEREAS, the state has incurred legal expenses in forcing the United States Fish and Wildlife Service to delineate wetlands; and

WHEREAS, the creation of wetland easements has resulted in lost tax revenues to political subdivisions as well as devaluation of surrounding real estate; and

WHEREAS, the ever-changing definition of wetlands by the United States Fish and Wildlife Service has led to uncertainty and the inability of landowners to properly plan for the future in their farming operations; and

WHEREAS, termination of existing easements and renegotiation or reacquirement of easements would specifically delineate and protect the wetland and thus enhance both protection of the wetland itself and allow the landowner to better manage the landowner's property;

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

That the Sixty-second Legislative Assembly urges the Congress of the United States to require renegotiation of United States Fish and Wildlife Service wetlands easements; and

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

Filed March 28, 2011

CHAPTER 541

HOUSE CONCURRENT RESOLUTION NO. 3028

(Representatives Headland, Grande, Heller)
(Senators Christmann, Wanzek, Wardner)

A concurrent resolution urging Congress to adopt legislation prohibiting the Environmental Protection Agency by any legal means from regulating greenhouse emissions, including, if necessary, defunding Environmental Protection Agency greenhouse gas regulatory activities; imposing a moratorium on adoption on any new air quality regulations by the Environmental Protection Agency by any legal means, except those regulations directly addressing an imminent health or environmental emergency, for a period of at least two years; and requiring the administration to undertake a study identifying all regulatory activity the Environmental Protection Agency intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all these regulations on the economy, jobs, and American economic competitiveness.

WHEREAS, the Environmental Protection Agency has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases, that are likely to have major effects on the economy, jobs, and United States competitiveness in worldwide markets; and

WHEREAS, the Environmental Protection Agency's regulatory activity as to air quality and greenhouse gases has numerous and overlapping requirements and may have negative consequences on the economy; and

WHEREAS, concern is growing that, with cap and trade legislation having failed in Congress, the Environmental Protection Agency is attempting to obtain the same results through the adoption of regulations; and

WHEREAS, Environmental Protection Agency overregulation is driving jobs and industry out of the United States; and

WHEREAS, neither the Environmental Protection Agency nor the administration has undertaken any comprehensive study of what the cumulative effect of all of this new regulatory activity will have on the economy, jobs, and competitiveness; and

WHEREAS, the Environmental Protection Agency has not performed any comprehensive study of what the environmental benefits of its greenhouse gas regulation will be in terms of impacts on the global climate; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, since the Environmental Protection Agency has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-15 time period, the Environmental Protection Agency should be required to

identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, the Legislative Assembly supports continuing improvement in the quality of the nation's air and believes that such improvement can be made in a sensible fashion without damaging the economy, provided there is a full understanding of the cost of the regulations at issue; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs; and

WHEREAS, public health and welfare will suffer without significant new job creation and economic improvement because people with good jobs are better able to take care of themselves and their families than the unemployed and because environmental improvement is only possible in a society that generates wealth;

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

That the Sixty-second Legislative Assembly urges Congress to adopt legislation prohibiting the Environmental Protection Agency by any legal means from regulating greenhouse emissions, including, if necessary, defunding Environmental Protection Agency greenhouse gas regulatory activities; imposing a moratorium on adoption on any new air quality regulations by the Environmental Protection Agency by any means necessary, except those directly addressing an imminent health or environmental emergency, for a period of at least two years; and requiring the administration to undertake a study identifying all regulatory activity that the Environmental Protection Agency intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all these regulations on the economy, jobs, and American economic competitiveness; and

BE IT FURTHER RESOLVED, that this study be a multiagency study drawing on the expertise of the Environmental Protection Agency and of agencies and departments having expertise and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all of the Environmental Protection Agency's current and planned regulation together; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, the Majority Leader of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Speaker of the United States House of Representatives, the administrator of the Environmental Protection Agency, the director of the federal Office of Management and Budget, and to each member of the North Dakota Congressional Delegation.

Filed March 28, 2011

CHAPTER 542

HOUSE CONCURRENT RESOLUTION NO. 3029

(Representatives Weiler, Carlson, Vigesaa, J. Kelsh)
(Senators Stenehjem, Taylor)

A concurrent resolution declaring Monday, February 14, 2011, "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 focus of the 2011 North Dakota Close-Up program is the legislative branch of government; and

WHEREAS, the North Dakota Close-Up program has been in existence for 26 years; and

WHEREAS, it is anticipated that approximately 100 North Dakota high school students will participate in the 2011 North Dakota Close-Up program;

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

That the Sixty-second Legislative Assembly declares Monday, February 14, 2011, "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 14, 2011

CHAPTER 543

HOUSE CONCURRENT RESOLUTION NO. 3030

(Representatives Headland, Owens, S. Meyer)
(Senators Cook, Miller, Triplett)

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of requiring use of cigarette tax stamps.

WHEREAS, North Dakota is one of only three states that do not require tax stamps on cigarettes; and

WHEREAS, a study of the feasibility and desirability of requiring tax stamping on cigarettes will allow consideration of the benefits and detriments of requiring cigarette tax stamps on the state, wholesalers, the public, and administrative and law enforcement agencies;

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

That the Legislative Management study the feasibility and desirability of requiring use of cigarette tax stamps; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed March 28, 2011

CHAPTER 544

HOUSE CONCURRENT RESOLUTION NO. 3031

(Representatives Heller, Headland, Kreidt)
(Senators Christmann, Freborg, Lyson)

A concurrent resolution expressing the concern of the Legislative Assembly with the scope, justification, and substances of the Office of Surface Mining Reclamation and Enforcement's stream protection rule.

WHEREAS, the state's coal mining industry has a long history of protecting streams, watersheds, and the waters of North Dakota and often receives praise for its mining practices and environmental stewardship to the lands of North Dakota; and

WHEREAS, from 2003 through 2008, the Office of Surface Mining Reclamation and Enforcement conducted a five-year process, including public hearings, submission of thousands of public comments, and preparation of an environmental impact statement, that culminated in final regulations adding significant new environmental protections regarding the placement of excess spoil and clarifying its regulations relating to stream buffer zones pursuant to the Surface Mining Control and Reclamation Act; and

WHEREAS, the Office of Surface Mining Reclamation and Enforcement's 2008 regulations were consistent with a final decision from the Fourth Circuit Court of Appeals in *Kentuckians for the Commonwealth v. Rivenburth*, holding that it is "beyond dispute that the Surface Mining Control and Reclamation Act recognizes the possibility of placing excess spoil and material in waters of the United States even though those materials do not have a beneficial purpose" and such regulations helped to significantly reduce regulatory uncertainty brought on by earlier litigation questioning the meaning of the agency's stream buffer zone rule; and

WHEREAS, a federal court ruled that the Secretary of the Interior may not repeal the stream buffer zone rule without going through a rulemaking process, including public notice and comment as required under the Administrative Procedure Act; and

WHEREAS, on June 11, 2009, the Secretary of the Interior, along with the United States Army Corps of Engineers and the Environmental Protection Agency, signed a memorandum of understanding implementing an "interagency action plan" designed to "significantly reduce the harmful environmental consequences of Appalachian surface coal mining operations . . ." and suggested that coal mining jobs that will be sacrificed in this state should be replaced with "green" jobs promoted by the memorandum of understanding; and the Office of Surface Mining, Reclamation and Enforcement further committed in the memorandum of understanding to consider revisions to the 2008 stream buffer zone rule; and

WHEREAS, the Office of Surface Mining Reclamation and Enforcement has failed to justify why a new "stream protection rule" is necessary or explain the problem that the agency is attempting to fix, and such concerns have been echoed by the

Interstate Mining Compact Commission--an organization representing state mining regulators with substantial expertise in Surface Mining Control and Reclamation Act regulation; and

WHEREAS, the Office of Surface Mining Reclamation and Enforcement is inappropriately rushing to complete the rulemaking because the agency has committed to a self-imposed deadline of February 28, 2011, to publish a proposed rule through a unilateral settlement agreement with environmental groups and, in attempting to meet this artificial deadline, is committing flagrant violations of the required National Environmental Policy Act process; and

WHEREAS, the agency has also limited comment and participation by other members of the public by refusing to extend the comment period on its advanced notice of proposed rulemaking, by failing to adequately provide sufficient notice of the alternatives being considered, and by conducting "listening sessions" where the Office of Surface Mining Reclamation and Enforcement prohibited any public speaking by those concerned about the rule; and

WHEREAS, the proposed actions could sterilize several million tons of North Dakota lignite coal that would otherwise be minable under the current regulations that have been proven more than adequate to protect streams in North Dakota; and

WHEREAS, the coal mining industry is critical to the economic and social well-being of the citizens of North Dakota, accounting for over 27,000 direct and indirect jobs averaging over \$74,000 in compensation, over \$93 million in state taxes, and adding \$2.9 billion to the gross domestic product of the state;

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

That the Sixty-second Legislative Assembly expresses its serious concern with the scope, justification, and substance of the Office of Surface Mining Reclamation and Enforcement's stream protection rule; and

BE IT FURTHER RESOLVED, that the Sixty-second Legislative Assembly expresses its concern with the procedure and process that the Office of Surface Mining Reclamation and Enforcement has been using to implement such regulation and calls upon the agency to immediately suspend work on the environmental impact statement and the regulation until such time as the agency clearly and publicly articulates why the 2008 regulation has not been implemented and provides specific details regarding each of its provisions and why the agency believes that they are insufficient; provides scientific data and other objective information to justify each and every provision of the new proposal; explains why the agency is contradicting its own annual state inspection reports, which indicate good environmental performance and refute the need for this new regulation; and justifies why a more limited approach would not achieve the objectives of the agency; and

BE IT FURTHER RESOLVED, that the Sixty-second Legislative Assembly calls upon the North Dakota Congressional Delegation and the Governor to oppose this unwarranted effort by the administration by withholding any further funding for the Office of Surface Mining Reclamation and Enforcement for the stream protection rule

and environmental impact statement until such time as the agency justifies the need for the new rule; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Secretary of the Interior, the director of Surface Mining and Reclamation and Enforcement, the Governor of North Dakota, the North Dakota Public Service Commission, and each member of the North Dakota Congressional Delegation.

Filed April 1, 2011

CHAPTER 545

HOUSE CONCURRENT RESOLUTION NO. 3032

(Representatives Weiler, Weisz, Onstad)
(Senators Freborg, Lyson, Warner)

A concurrent resolution directing the Legislative Management to study the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota.

WHEREAS, the income and available funding through the special road fund created under North Dakota Century Code Section 24-02-37 is inadequate to meet the local and statewide needs to improve access roadways to recreational, tourist, and historical sites; and

WHEREAS, many existing access roadways are in a significant state of disrepair and are in need of improvement--the condition typically relating to limited maintenance, inadequate base materials and surfacing, narrow widths, and noncompliance with safety standards; and

WHEREAS, county and township funding is inadequate and severely stressed due to other priority projects and needs, limiting local governments' ability to make the necessary investment to improve these access roadways; and

WHEREAS, access roadways to recreational, tourist, and historical sites represent a local and statewide value, as well as a substantial opportunity, as improvements will lead to increased use resulting in added value and income to the local and state economies; and

WHEREAS, the projected population increases in this state, related to the expanding energy industry and overall economic growth, will result in an increasing demand for recreational opportunities; and

WHEREAS, the condition, use, need, and value of each access roadway varies; therefore, alternatives related to roadway surfacing, construction methodologies, and lifecycle costs should be evaluated to determine which are most applicable to the various locations;

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

That the Legislative Management study the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota; and

BE IT FURTHER RESOLVED, that this study focus on designated or named public or privately developed recreational areas, potential funding requirements through the special road fund or other appropriate funding method for the identified

access roadway improvements, and the ability of the local governmental entities to operate and maintain these improvements when completed; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed March 28, 2011

CHAPTER 546

HOUSE CONCURRENT RESOLUTION NO. 3034

(Representatives Nathe, Dosch)
(Senator Kilzer)

A concurrent resolution recognizing the local and international work of the North Dakota-founded and based charity--The GOD'S CHILD Project--and congratulating this North Dakotan humanitarian effort on its 20th anniversary.

WHEREAS, The GOD'S CHILD Project, which was established in 1991 by Bismarck native Patrick Atkinson, continues to maintain its worldwide headquarters in Bismarck, North Dakota; and

WHEREAS, during the past 20 years, The GOD'S CHILD Project has become an internationally recognized humanitarian charitable leader with operating programs in the United States, Guatemala, El Salvador, India, and Malawi, which combined have raised and educated 18,000 orphaned and abandoned children over the past two decades and have assisted tens of thousands of women and their dependents to break free from poverty through education, health care, legal assistance, international country-specific legislative action, human rights protection and defense, and community development; and

WHEREAS, The GOD'S CHILD Project's Bismarck-based subprogram--the "Institute for Trafficked, Exploited & Missing Persons"--is widely recognized as a foremost national leader in the public education, prevention, detection, interdiction, rescue, and rehabilitation of human trafficking victims, and is considered to be the largest nongovernmental anti-human trafficking program in Central America; and

WHEREAS, The GOD'S CHILD Project is often the first responder during emergency situations here in North Dakota and around the world, especially in Central America, and over the years has assisted life-threatened victims of Hurricane Mitch, Tropical Storm Stan, Hurricane Katrina, earthquake disasters in Haiti and across Central America, the 2005 famine in Malawi and Mozambique, Missouri River flooding, and Cass County and Lake Sakakawea area tornadoes; in each situation successfully and swiftly developing and channeling North Dakotan, national, and international assistance from a vast cross section of schools, churches, communities, and existing donors and benefactors toward successfully providing tens of thousands of victims with immediate emergency assistance; and

WHEREAS, The GOD'S CHILD Project provides positive and structured international volunteer experiences for 2,500 individuals and 45 home-building groups each year; and

WHEREAS, The GOD'S CHILD Project and its founder and chief executive officer--Bismarck native Patrick Atkinson--have received vast news coverage from outlets such as CNN, Fox News, ABC Primetime, ABC 20/20, USA Today, and nearly 200 international recognitions for its worldwide efforts, including the Guatemalan

Congressional Medal of Honor, Goodwill Ambassador for Peace for the nation of Guatemala, Knighthood from the Spanish Legion, and, more recently, the 2010 Humanitarian Award from the Bismarck City Human Rights Commission, in each case bringing pride and honor to the great state of North Dakota and upon its citizenry;

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

That the Sixty-second Legislative Assembly recognizes The GOD'S CHILD Project for its international humanitarian efforts and congratulates The GOD'S CHILD Project in this year of its 20th anniversary; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor of North Dakota and to The GOD'S CHILD Project.

Filed March 28, 2011

CHAPTER 547

HOUSE CONCURRENT RESOLUTION NO. 3036

(Representatives Klemin, Boehning, Delmore)
(Senators Hogue, Nething, Olafson)

A concurrent resolution directing the Legislative Management to study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury trial process of other states; and the right to a jury trial in civil traffic cases.

WHEREAS, Section 13 of Article I of the Constitution of North Dakota provides "[t]he right of trial by jury shall be secured to all, and remain inviolate"; and

WHEREAS, Section 13 of Article I of the Constitution of North Dakota also provides a person accused of a crime for which the person may be confined for a period of more than one year has the right of trial by a jury of 12; and

WHEREAS, North Dakota Century Code Section 29-01-06 provides in all criminal prosecutions, the party accused has the right to a speedy and public trial by an impartial jury; and

WHEREAS, the North Dakota Rules of Criminal Procedure provide if the defendant is entitled to a jury trial, the trial must be by jury unless the defendant waives a jury trial in writing or in open court, the prosecuting attorney consents, and the court approves; and

WHEREAS, the North Dakota Supreme Court has found a constitutional right to a jury trial in civil traffic cases; and

WHEREAS, in 2009 and 2010 approximately 118 misdemeanor jury trials were held each year in the state; and

WHEREAS, the annual cost of jury compensation for misdemeanor trials in the state is approximately \$35,000 plus mileage reimbursements;

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

That the Legislative Management study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury

trial process of other states; and the feasibility and desirability of eliminating a jury trial right for civil traffic tickets; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 12, 2011

CHAPTER 548

HOUSE CONCURRENT RESOLUTION NO. 3037

(Representatives Delmore, DeKrey, Vigesaa)
(Senators Lyson, Nelson, Nething)

A concurrent resolution directing the Legislative Management to study the statutes throughout the North Dakota Century Code which grant immunity from civil or criminal liability for performing certain functions.

WHEREAS, immunity from liability generally means a person is not subject to criminal or civil liability if the circumstances of the person's actions meet the requirements of a particular statute that grants immunity; and

WHEREAS, the North Dakota Century Code contains more than 90 statutes granting civil or criminal immunity for the actions of various organizations, employees, occupations, professions, and volunteers; and

WHEREAS, for seemingly similar functions, there is inconsistency in the language that is used in the statutes granting immunity; and

WHEREAS, a study of the immunity statutes may provide clarity and consistency among the immunity statutes;

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

That the Legislative Management study the statutes throughout the North Dakota Century Code which grant immunity from civil or criminal liability for performing certain functions; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 12, 2011

CHAPTER 549

HOUSE CONCURRENT RESOLUTION NO. 3038

(Representatives Owens, Ruby, Weiler, Weisz)
(Senator Laffen)

A concurrent resolution directing the Legislative Management to study transportation funding options.

WHEREAS, the federal highway trust fund has experienced a shortfall over the past five years; and

WHEREAS, the most recent Transportation Equity Act--known as SAFETEA-LU--expired on September 30, 2009; and

WHEREAS, this Act as been continued by resolution six times with the current continuation set to expire on March 4, 2011; and

WHEREAS, because of the continued growth in sales of hybrid and electric vehicles and the use of other more fuel-efficient vehicles, the current gasoline and diesel fuel tax collection system has realized a decline over the past five years; and

WHEREAS, the vehicle miles traveled have increased annually and are expected to continue to increase; and

WHEREAS, with more miles traveled and less fuel tax receipts collected, this state needs to investigate other forms of funding, including a vehicle mile tax, sales tax, excise value tax, and public and private partnerships;

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

That the Legislative Management study transportation funding options; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 6, 2011

CHAPTER 550

HOUSE CONCURRENT RESOLUTION NO. 3039

(Representatives DeKrey, Carlson, Drovdal, J. Kelsh)
(Senators Stenehjem, Taylor)

A concurrent resolution urging the United States Fish and Wildlife Service and the Federal Emergency Management Agency to exempt road grade raises necessitated by flooding from the requirement that the raise be offset by the acquisition of replacement wetlands.

WHEREAS, the current wet cycle has resulted in flooding of roads necessitating grade raises to maintain the state's transportation network; and

WHEREAS, local transportation budgets are already stretched due to continued flooding; and

WHEREAS, North Dakota has done more than its share to preserve and protect wetlands; and

WHEREAS, the United States Fish and Wildlife Service is requiring remote wetland acquisitions for grade raises that have not resulted in any loss of wetlands;

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

That the Sixty-second Legislative Assembly urges the United States Fish and Wildlife Service and the Federal Emergency Management Agency to exempt road grade raises necessitated by flooding from the requirement that the raise be offset by the acquisition of replacement wetlands; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the director of the United States Fish and Wildlife Service, the administrator of the Federal Emergency Management Agency, and to each member of the North Dakota Congressional Delegation.

Filed April 12, 2011

CHAPTER 551

HOUSE CONCURRENT RESOLUTION NO. 3040

(Representatives D. Johnson, Hofstad, Vigesaa)

(Senator Oehlke)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging the Secretary of the United States Department of Agriculture to change prevented planting provisions in crop insurance policies for the purpose of providing compensation to producers affected by Devils Lake flooding.

WHEREAS, Devils Lake flooding, which began 18 years ago, has inundated more than 200,000 acres of highly productive farmland; and

WHEREAS, the economic loss from crop production alone is estimated to be millions of dollars each year; and

WHEREAS, agriculture is the main income generator in the Devils Lake region; and

WHEREAS, the economic loss suffered by agricultural producers as a result of Devils Lake flooding is creating financial stress not only in the agricultural sector but in the communities surrounding Devils Lake; and

WHEREAS, agricultural landowners, by storing Devils Lake floodwaters, have helped to significantly reduce the impact of the inundation on others; and

WHEREAS, agricultural landowners have not been compensated for storing Devils Lake floodwaters; and

WHEREAS, the United States Department of Agriculture's Risk Management Agency could work with the Federal Crop Insurance Corporation to amend prevented planting rules, thereby providing compensation and economic relief to landowners who once again will not be able to engage in agricultural activities on their land;

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

That the Sixty-second Legislative Assembly urges the Secretary of the United States Department of Agriculture to work with the Risk Management Agency and the Federal Crop Insurance Corporation to immediately pursue changes to prevented planting provisions in crop insurance policies for the purpose of providing compensation to producers affected by Devils Lake flooding; 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, the administrator of the Risk Management Agency, the board of directors of the Federal

Crop Insurance Corporation, and to each member of the North Dakota Congressional Delegation.

Filed March 28, 2011

CHAPTER 552

HOUSE CONCURRENT RESOLUTION NO. 3043

(Representative Kretschmar)

A concurrent resolution directing the Legislative Management to study the filling of vacancies in the Legislative Assembly.

WHEREAS, Section 11 of Article IV of the Constitution of North Dakota authorizes the Legislative Assembly to provide by law a procedure to fill vacancies occurring in either house of the Legislative Assembly; and

WHEREAS, in 2001 and 2003 the Legislative Assembly revised the procedures for filling vacancies in legislative offices; and

WHEREAS, vacancies in the Legislative Assembly are now filled by political party officials who select individuals to fill vacancies and the qualified electors of legislative districts may subsequently petition for special elections to fill the vacancies; and

WHEREAS, the current procedures for filling legislative vacancies can be confusing and may serve to limit the ability of residents of a legislative district to elect an individual of their choosing to the Legislative Assembly;

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

That the Legislative Management study the filling of vacancies in the Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 6, 2011

CHAPTER 553

HOUSE CONCURRENT RESOLUTION NO. 3045

(Representative Mock)
(Senator Grindberg)

A concurrent resolution directing the Legislative Management to study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires.

WHEREAS, the United States Department of Homeland Security, in partnership with the Social Security Administration, administers the E-Verify program; and

WHEREAS, the E-Verify program was created in 1996 as a voluntary Internet-based pilot program to help employers verify the work authorization of new hires and was expanded in 2003 to cover employers in all 50 states; and

WHEREAS, the United States Citizenship and Immigration Services reports that as of December 11, 2010, more than 238,000 employers have registered with the program, with 16 million inquiries in fiscal year 2010; and

WHEREAS, the United States Citizenship and Immigration Services continues to improve the accuracy of the E-Verify program to decrease the incidence of identity theft and employer fraud; and

WHEREAS, 14 states require the use of E-Verify for public or private employment or both;

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

That the Legislative Management study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-third Legislative Assembly.

Filed April 6, 2011

CHAPTER 554

HOUSE CONCURRENT RESOLUTION NO. 3048

(Representatives Thoreson, Boehning, Hatlestad, Koppelman, Schatz)

A concurrent resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a "runaway convention".

WHEREAS, experience has shown that the safeguards in the United States Constitution, as currently interpreted, may not be sufficiently clear to limit a Constitutional Convention to the specific subject for which that convention was called and thereby avoid a "runaway convention" where other matters may be considered; and

WHEREAS, James Madison, who is known as the "Father of the Constitution", believed that Article V of the Constitution gave and should give this protection; and

WHEREAS, those who framed and adopted the Constitution included a provision by which state legislatures may require Congress to call a convention for proposing amendments as a way to amend the United States Constitution; and

WHEREAS, the North Dakota Legislative Assembly accordingly makes application to Congress for the calling of a convention for proposing an amendment to the Constitution imposing certain rules of fiscal discipline, providing for legislative transparency, and preventing unfunded mandates by the federal government;

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

BE IT FURTHER RESOLVED, that the North Dakota Legislative Assembly makes the following application:

Section 1. The North Dakota legislative assembly makes an application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call an Article V Amendment Convention for the sole purpose of voting to propose or voting not to propose the following specific amendment to the Constitution of the United States:

"Article _____. The Congress, on Application of the Legislatures of two-thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."

Section 2. For the purpose of determining whether the required two-thirds of the legislatures of the several states have applied for a convention, this application may be counted and considered valid only in conjunction with qualifying applications of other states that contain the identical text of the specific amendment contained in this

application and whose application requires that the sole purpose of the convention is to decide whether to propose, or not to propose this specific amendment.

Section 3. This concurrent resolution is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used to conduct a convention that votes to propose any amendment other than the specific text of the amendment contained in Section 1.

Section 4. Each delegate selected to represent North Dakota at a convention that Congress calls under this resolution shall take an oath, enforceable under this state's law, to abide by and act according to the limits imposed by this resolution on the purpose of the convention.

Section 5. Any delegate selected to represent North Dakota at a convention that Congress calls under this resolution does not have authority to consider or approve any other amendment but the one contained in this application. Any vote taken in violation of this limitation is null and void, and any delegate who so votes does not have any authority to represent this state on any matter at the convention.

Section 6. This application is valid if two-thirds of the states make a qualifying application within seven years of its referral for ratification to the states by Congress under the provisions of Article V.

Section 7. This application is null and void if Congress, within 90 days of receipt of qualifying applications from two-thirds of the states, proposes and refers the ratification by the several states under the procedures outlined in Article V of the Constitution, the same exact text of the amendment contained in this application.

Section 8. That the secretary of state forward copies of this application within 30 days of its passage to the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Senate, every member of the North Dakota Congressional Delegation, and the presiding officers of each house of the legislatures of the several states.

Filed April 14, 2011