

## RESOLUTIONS

House Concurrent Resolution "K"—(Twichell, Beede, Crockett and Fitch)

### PETITIONING THE CONGRESS OF THE UNITED STATES TO AMEND THE AGRICULTURAL ADJUSTMENT ACT

*Be It Resolved by the House of Representatives of the State of  
North Dakota, the Senate Concurring:*

WHEREAS, conditions and circumstances beyond control of the people and government of the State of North Dakota have caused wholesale forfeiture of agricultural lands to the State of North Dakota, its agencies and political subdivisions, and

WHEREAS, the lands forfeited to various governmental agencies contain approximately 6,087,632 acres or sixteen per centum of the total area of agricultural and grazing lands within the State of North Dakota, and

WHEREAS, such situation has caused a maladjustment of the finances, not only of the State but all the political subdivisions of the State, and

WHEREAS, with the inception of the Agricultural Adjustment Act, the State of North Dakota through its agencies and at considerable expense, has placed all such lands possible under the Agricultural Adjustment Act and other agencies, in an effort to assist the Federal Government in solving this problem, and

WHEREAS, in return for such expenditures, the State of North Dakota received in soil conservation payments the following amounts:

1936	\$ 90,181.35	1939 (Soil)	\$10,000.00
1937	82,883.58	(Parity)	51,411.41
1938	130,891.25	1940 (Soil)	None
		(Parity)	29,481.23 and

WHEREAS, the Agricultural Adjustment Act provides that beginning with the calendar year of 1939 no total payment for any year, to any person, shall exceed \$10,000.00, which limitation, under definitions formulated by the Department of Agriculture has been interpreted to apply to a sovereign state, a political subdivision of a State, or any agency thereof, and

WHEREAS, said definition of the term "person" seems unjustified by the language used in said Act, and contrary to the usual and accepted meaning of said term when used in Legislative enactments, and

WHEREAS, all soil conservation payments received by the State

are used to lessen the tax burden and assist in defraying the cost of administrating these farms until such time that they can again be placed on the tax roll, and

WHEREAS, the cost of placing this volume of land under compliance exceeds said \$10,000.00 limitation, thus making it impossible for the State to continue such compliance without a loss to said State, and

WHEREAS, substantially all of said lands have been and are being farmed in accordance with fair and customary rental standards by bona fide farmers and their families actually residing on the tracts farmed,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring:

That the Congress of the United States is hereby petitioned to amend the Agricultural Adjustment Act so that payments may be made to the States of the Union, their agencies and subdivisions for compliance with said Act without regard to such \$10,000.00 limitation.

That House Resolution No. 3800 of the 76th Congress, passed by the House of Representatives April 17, 1939 and subsequently passed by the Senate, with amendments, and referred to conference committee, is endorsed and approved in principle as an appropriate amendment to said Act.

Copies of this amendment shall be sent to all members of the Congressional Delegation of the State of North Dakota, and to the presiding officers of the Senate of the United States and the House of Representatives.

Filed February 20, 1941.

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Senate Resolution "A"—(Page and Solberg)

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#### AAA AMENDMENT

WHEREAS, it has come to our attention that the AAA County Committeemen, representing the 53 counties of the State of North Dakota, at their recent State Convention in Fargo, went on record as being unanimously in favor of an Amendment to the AAA docket for North Dakota for 1941, providing that flax, when sown as a nurse crop for sweet clover, such acreage shall be classified as neutral, or non-soil depleting as was the case in 1940, and,

WHEREAS, it appears that there is a possibility that those charged

with the administration of the AAA in Washington may be reluctant to grant this change, and,

WHEREAS, North Dakota has for years been a leading State in Flax production, and many millions of dollars have come into our State thereby, and,

WHEREAS, flax is one of the crops of which our nation has never had a surplus, and,

WHEREAS, under our present AAA docket, flax production in our State will tend to be reduced almost to a vanishing point, thus, making us more a one-crop State than ever, and,

WHEREAS, flax and linseed oil are important items in our preparation for national defense, and importations of flax from South America are already slowing up and later may be much further reduced due to the shortage of boats as was the case in the World War:

NOW, THEREFORE, BE IT RESOLVED, that this body is heartily in favor of, and supports the action taken by the AAA County Committeemen at their State Convention;

BE IT FURTHER RESOLVED that our Senators and Representatives in Washington are hereby urged and requested to use their influence with those charged with the administration of the Agricultural Adjustment Act to the end that this regulation so inimical to the interests of North Dakota, may be amended.

BE IT FURTHER RESOLVED, that the Secretary of the Senate is hereby instructed to prepare as soon as possible, copies of this Resolution, and forward same to each of our Senators and Representatives in Congress to the Hon. R. M. Evans, Administrator, Agricultural Adjustment Administration, Washington, D. C. and to the Hon. N. E. Dodd, Director of the Western Division, Agricultural Adjustment Administration, Washington, D. C.

Filed February 4, 1941.

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House Resolution "H"—(Stormon, McInnes, Levin, Myers and Beede)

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#### AAA AMENDMENT

WHEREAS, it has come to our attention that the A. A. A. County Committeemen, representing the 53 counties of the State of North Dakota at their recent State Convention in Fargo, went on record as being unanimously in favor of an amendment to the A. A. A. docket for North Dakota for 1941, providing that flax, when sown

as a nurse crop for sweet clover, such acreage shall be classified as neutral, or non-soil depleting, as was the case in 1940, and

WHEREAS, it appears that there is a possibility that those charged with the administration of the A. A. A. in Washington may be reluctant to grant this change, and

WHEREAS, North Dakota has for years been the leading state in flax production, and many millions of dollars have come into our State thereby, and

WHEREAS, flax is one of the crops of which our nation has never had a surplus, and

WHEREAS, under the present A. A. A. docket, flax production in our State will tend to be reduced almost to the vanishing point, thus making us more a one-crop state than ever, and

WHEREAS, flax and linseed oil are important items in our preparation for National Defense and importations of flax from South America are already slowing up, and later may be much further reduced due to the shortage of boats, as was the case in the World War;

NOW, THEREFORE, BE IT RESOLVED, That this body is heartily in favor of and supports the action taken by the A. A. A. County Committeemen at their State Convention.

BE IT FURTHER RESOLVED: That our Senators and Representatives in Washington are hereby urged and requested to use their influence with those charged with the Administration of the Agricultural Adjustment Act to the end that this regulation so inimical to the interests of North Dakota may be amended.

BE IT FURTHER RESOLVED: That the Chief Clerk of the House is hereby instructed to prepare as soon as possible, copies of this Resolution and forward same to each of our Senators and Representatives in the Congress, and to the Hon. R. M. Evans, Administrator, Agricultural Adjustment Administration, Washington, D. C., and to the Hon. N. E. Dodd, Director of the Western Division, Agricultural Adjustment Administration, Washington, D. C.

Filed February 5, 1941.

House Memorial Resolution "F"—(Haag, Welder, Wolf of McIntosh)

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JOHN BILLIGMEIER

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, the Supreme Ruler of the Universe in His Infinite Wisdom has removed, in April, 1940, Hon. John Billigmeier from the midst of his family and community, and,

WHEREAS, he has served as a Member of the House in the 25th and 26th Legislative Assemblies, from the 36th Legislative District, and,

WHEREAS, his tenure of public office has always been of devotion of a high degree to those principles of good government, which are essential to efficient and good honest administration;

THEREFORE, BE IT RESOLVED, That this House of Representatives express its appreciation for the valuable service rendered by our distinguished citizen; and that we express our keen sorrow of his passing, and

BE IT RESOLVED, that this House of Representatives extend to his wife, Mrs. Billigmeier and sons, its sincere sympathy, and that this Resolution be printed in the House Journal and an enrolled copy of same be sent to his family at Fredonia, North Dakota.

Filed January 30, 1941.

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House Memorial Resolution "C"—(Culver and Gress)

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PETER BRAUN

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, Peter Braun, an old time resident and respected citizen of Stark County, North Dakota, and father of Representative George Braun, has been called by death;

THEREFORE BE IT RESOLVED, That this House of Representatives express its deep sympathy to Representative Braun and to the other members of the family, and that a copy of this Resolution be delivered by the Chief Clerk of the House of Representatives to Representative Braun.

Filed January 30, 1941.

House Memorial Resolution "J"—(Hogoboom, Morland and Olson  
of Bowman)

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H. W. BROWN

*Be It Resolved by the House of Representatives of the State of  
North Dakota:*

WHEREAS, our late associate, Representative H. W. Brown of Golden Valley County, was on May 15th, 1940, called to his eternal rest,

AND WHEREAS, he was an honored member of this House of Representatives from the 39th Legislative District during the Twenty-fifth and Twenty-sixth Legislative Assemblies, and in private life a willing worker in any movement beneficial to the people in the community in which he lived,

THEREFORE, BE IT RESOLVED, That this House of Representatives express its deepest sympathy to Mrs. H. W. Brown and family, and that this Resolution be printed in the Journal of the House and an enrolled copy be sent by the Chief Clerk of the House of Representatives to Mrs. H. W. Brown at Beach, North Dakota.

Filed February 5, 1941.

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House Concurrent Resolution "Q"—(Ireland, Nystrom and Juhola)

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PETITIONING CONGRESS TO ENACT THE CAPPER BILL  
ESTABLISHING A DIVISION OF COOPERATIVES IN THE  
UNITED STATES DEPARTMENT OF AGRICULTURE

*Be It Resolved by the House of Representatives of the State of  
North Dakota, the Senate Concurring Therein:*

WHEREAS, Cooperation has proven beneficial to both producer and consumer and through years of successful operation in all democracies has established itself as a useful economic unit of well-ordered society, and

WHEREAS, Senator Arthur Capper of Kansas has introduced a bill (S. 650) to establish a Division of Cooperatives in the United States Department of Agriculture, the purposes of which are; to serve as a source of information and cooperation to producers and consumers in cooperative buying and selling; to conduct research and assemble statistical data; prepare publications on cooperative subjects, which will be placed on the distribution lists of Members of Congress; and authorizing the Secretary of Agriculture to establish cooperative relationships between this Division and those other

branches of the Department that carry on services in the cooperative field, and

WHEREAS, Honorable Henry A. Wallace, as Secretary of Agriculture, and many officials of outstanding farm and cooperative organizations have endorsed the provisions of the Capper bill as beneficial to agriculture and cooperatives,

NOW, THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of North Dakota, That we petition and urge Congress to take early and favorable action on the Capper Bill, S. 650; and that it be enacted into law during the present Congressional session, and

BE IT FURTHER RESOLVED, That attested copies of this Resolution be sent to the President of the Senate, the Speaker of the House of Representatives, the Secretary of Agriculture, and to the members of the North Dakota delegation in Congress.

Filed March 5, 1941.

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Senate Concurrent Resolution "L"—(Thatcher and Braun)

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**SPECIFYING THE NUMBER OF COPIES OF THE REPORT OF  
THE CODE REVISION COMMISSION TO BE PREPARED FOR  
SUBMISSION TO THE TWENTY-EIGHTH LEGISLATIVE  
ASSEMBLY.**

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:*

WHEREAS, the Twenty-eighth Legislative Assembly of the State of North Dakota will have for consideration and adoption the revised code of the State of North Dakota prepared by the Code Revision Commission under the provisions of Chapter 110 of the Session Laws for the year 1939, and

WHEREAS, Section 2 of Chapter 186 of the 1937 Session Laws requires that five hundred copies of each Bill be printed unless it is otherwise ordered by motion or resolution of either branch of the Legislative Assembly, and

WHEREAS, the report of the Code Revision Commission will constitute a part of the Bill for the adoption of the said revised codes by the Twenty-eighth Legislative Assembly and it is necessary that said Commission shall be advised as to the number of copies of such report it will be required to submit to the Twenty-eighth Legislative Assembly.

NOW, THEREFORE BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives concurring: That the

report of the Code Revision Commission containing the revision of the codes of the State of North Dakota shall not be printed, and that in lieu of such printing, the Code Revision Commission shall supply to the Twenty-eighth Legislative Assembly copies of such report prepared by a duplicating process, and fifty-four copies of said report shall be furnished to the Senate and one hundred eighteen copies thereof shall be furnished to the House of Representatives.

Filed March 7, 1941.

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Senate Resolution "C"—(Brunsdale and Young)

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**EXTENDING INVITATION TO JOHN COWLES, MINNEAPOLIS,  
MINNESOTA, TO ADDRESS TWENTY-SEVENTH  
LEGISLATIVE ASSEMBLY.**

WHEREAS, John Cowles is a distinguished citizen and resident of Des Moines, Iowa, publisher of newspapers in Des Moines, Iowa and Minneapolis, Minnesota, and a close student of foreign affairs, and

WHEREAS, John Cowles occupies the unique distinction of having accompanied Wendell L. Willkie on his recent trip abroad to gain first-hand knowledge of war conditions in Great Britain, and, has that knowledge and is ready to impart it to those interested, and

WHEREAS, upon invitation extended, John Cowles has accepted invitation to address Iowa, Minnesota and other legislatures, now in session since his return to Des Moines, Iowa, NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NORTH DAKOTA IN TWENTY-SEVENTH SESSION ASSEMBLED:

1. That this legislature hereby extends to John Cowles, Minneapolis, Minnesota, an invitation, at his early convenience, to come to Bismarck, North Dakota, and to address the North Dakota state legislature with the end in view that we may receive the benefit of his reactions and impressions as to war conditions in Great Britain as he observed them.

2. That a copy of this resolution, properly authenticated and suitably enrolled be forthwith prepared by the secretary of the Senate, who is further directed to forward the same to John Cowles, Minneapolis, Minnesota, by airmail, special delivery, in care of the Minneapolis Star Journal.

Filed March 3, 1941.



Senate Concurrent Resolution "F"—(Nelson of Grand Forks, O'Brien, Gronvold, Young, Thatcher and Owings)

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### DEFENSE PROGRAM

WHEREAS, the United States of America is now engaged in an extensive rearmament program in order that the nation may have adequate means of defense against possible attack from powerful forces that appear to seek world domination.

AND, WHEREAS, the State of North Dakota has available certain resources that should be of material aid in furthering the national defense program;

NOW, THEREFORE, be it resolved by the Legislative Assembly of the State of North Dakota now in session, that we urge that North Dakota be granted an opportunity to participate in the present defense program; and we further urge that a survey be made with a view of making our vast stores of low-cost fuel, as well as other natural resources, favorable sites for airfields and training camps, skilled labor, etc., available for building an adequate defense against possible aggression.

IT IS HEREBY directed that copies of this Joint Resolution be sent to the President of the United States and to the Representatives and Senators from the State of North Dakota, now in Washington, D. C.

Filed January 30, 1941.

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House Memorial Resolution "I"—(Kindem)

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### ELLA HOFSTRAND

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, Ella Hofstrand, a much loved and respected pioneer of Benson County, North Dakota, and mother of Representative C. H. Hofstrand, has been called by death;

THEREFORE, BE IT RESOLVED, That this House of Representatives express its deep sympathy to Representative Hofstrand and to the other members of the family, and that a copy of this Resolution be delivered by the Chief Clerk of the House of Representatives to Representative Hofstrand.

Filed February 5, 1941.

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House Concurrent Resolution "L"—(Haugland, Smart and Benno)

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URGING THE CONTINUANCE OF THE EXISTING EMBARGO  
APPLYING TO ALL COUNTRIES WHERE FOOT-AND-MOUTH  
DISEASE EXISTS.

*Be It Resolved by the House of Representatives of the State of  
North Dakota, the Senate Concurring Therein:*

WHEREAS, An outbreak of foot-and-mouth disease would not only seriously damage normal production of the nation's meat supply but would, by the restrictive measures which must be taken to eradicate it, disrupt the normal flow of commerce in the nation; and

WHEREAS, Experience with the disease in this country shows that this disruption of commerce might easily attain proportions which would seriously impede our national defense efforts;

NOW, THEREFORE, Be It Resolved, that we oppose the modification of the existing embargo applying to all countries where foot-and-mouth disease exists; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House is directed to transmit copies of this resolution to the President of the United States and to each of the Members of the Congress from the State of North Dakota, and also the Secretary of State, Washington, D. C.

Filed February 18, 1941.

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Senate Memorial Resolution "C"—(Braun and Morgan)

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HENRY FIELD

WHEREAS, the late Henry Field of the 12th Legislative District was called to his eternal reward on January 10th and, he represented said Legislative District for one (1) term as a member of the Senate, and during all his public service and during his life, as a private citizen, his was a splendid example of integrity, loyalty, conscientious endeavor, and good citizenship and,

WHEREAS, in his passing, North Dakota has lost a true friend, a leader in the preservation of sound, liberal government, honestly administered, a man whose desire and interest was the furtherance of all good and worthy causes for the betterment of the State, his local community, and his fellowmen:

THEREFORE, BE IT RESOLVED, by the Senate that we do hereby

express our heartfelt appreciation of the loyal service of our distinguished citizen, the late Henry Field, and that we further express the keen sorrow which we feel because of his passing; and,

BE IT FURTHER RESOLVED, that this resolution be printed in the Journal and that an engrossed copy be forwarded by the Secretary of the Senate to his wife, Mrs. Henry Field of Wahpeton, North Dakota.

Filed January 16, 1941.

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Senate Concurrent Resolution "J"—(Committee on Appropriations)

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**PAYMENT OF RENT BY FEDERAL AGENCIES IN STATE  
CAPITOL**

WHEREAS, a number of Federal agencies are now located and transacting their business in the capitol building of the State of North Dakota without in any way compensating the State of North Dakota for such occupancy, and whereas the State of North Dakota is called upon to match many of these federal funds with State monies, now therefore,

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

THAT the Board of Administration be and is hereby authorized, empowered and requested to fix and determine a fair and reasonable monthly charge for light, heat and janitor service, if any is now being furnished, to be paid by each of such Federal Agencies and to demand payment thereof by such Agencies; such payment to commence the first day of March, 1941.

AND BE IT FURTHER RESOLVED that it is the sense of the Senate, the House of Representatives concurring, that the committee rooms, halls, passage-ways and other space in the capitol building used by the legislative assembly should not be used or leased to any Federal Agency or other departments of the state government of North Dakota except in cases of extreme emergency.

Filed March 4, 1941.

House Concurrent Resolution "B"—(Lillehaugen, Olson of Bowman, Halvorson and Severson)

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### FOREIGN WARS

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:*

WHEREAS, the State of North Dakota, together with its sister States, comprising our great Nation, are deeply concerned over the dangers which threaten our country by reason of the terrible wars now raging in other parts of the world; and,

WHEREAS, the dreaded possibility that the United States may also be involved in these wars has increased to an alarming degree; and,

WHEREAS, The President of the United States, speaking at Philadelphia on October 23, 1940, declared:

"We will not participate in foreign wars and will not send our army, naval or air forces to fight in foreign lands outside of the Americas except in case of attack . . .

"To every man, woman and child I say this: Your President, and your Secretary of State are following the road of peace. We are arming ourselves, not for any foreign war. We are arming ourselves not for conquest or intervention in foreign disputes . . .

"I give to the people of this country this most solemn assurance: There is no secret treaty, no secret obligation, no secret understanding in any shape or form, direct or indirect, with any other nation in any part of the world, to involve this nation in any war or for any other purpose.

"We will not send our men to take part in European Wars."

*Now Therefore, Be It Resolved by the House of Representatives, the Senate Concurring:*

That we memorialize Congress that it be guided in its deliberations and acts by these solemn pledges made by the President before his election, to the end that this country may not become involved in foreign wars.

That we commend the efforts of all Congressmen and Senators who now oppose any action now contrary to these pledges given by the President.

BE IT FURTHER RESOLVED, That we as representatives of the State of North Dakota renew our pledge of loyalty to our Nation and our Flag and to the Commander in Chief of the Army and Navy to whom we pledge our lives and property upon instant call to defend them against any nation which should attempt to attack our shores or invade our land.

AND BE IT FURTHER RESOLVED, That a copy of this resolution be mailed to the President of the United States, to the Speaker of the House of Representatives in Congress, the President of the Senate, and to the members of Congress from the State of North Dakota.

Filed February 18, 1941.

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House Concurrent Resolution "U"—(Fitch and Crockett)

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**MEMORIALIZING THE CONGRESS OF THE UNITED STATES  
TO MAINTAIN A MILITARY POST AT FORT LINCOLN.**

WHEREAS, Fort Lincoln is situated in approximately the center of an individual area comprising one hundred-fifty thousand square miles with a population of one million two hundred fifty thousand, and is supported by an excellent rail and highway network, and is adjacent to a proposed international airline joining the United States, Canada and Alaska, and

WHEREAS, Fort Lincoln is situated in the geographical center of the state and is the only military post in North Dakota and the only one between Fort Snelling in Minnesota and Missoula, Montana, and is the only military post between the Canadian Border on the north, and Fort Meade in the Black Hills section of South Dakota on the south, and

WHEREAS, the buildings and grounds comprising the military post of Fort Lincoln are in excellent condition and are capable of caring for many hundreds of citizens called to the service of their country during the present national emergency, Now, THEREFORE,

*Be It Resolved by the House of Representatives of the  
Twenty-seventh Legislative Assembly of the State of North  
Dakota the Senate Concurring Therein:*

That the Congress of the United States is hereby respectfully memorialized and urged to take such steps as are necessary to maintain Fort Lincoln as a military post.

Filed March 10, 1941.

Senate Memorial Resolution "F"—(Nelson of Grand Forks, Bridston, Bilden, Stucke and Gronvold)

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GUSTAV I. GULLICKSON

"The silver cord is loosed, the golden bowl is broken, the pitcher is broken at the fountain, the wheel is broken at the cistern, the dust returns to the earth as it was, and the spirit has returned unto God who gave it."

A long and useful life has ended. The passing of Gustav I. Gullickson, the well-known Grand Forks painter, brought to the members of this Senate a sense of personal loss. Many of us remember the occasion during the Legislative session of 1937 when he presented to the State of North Dakota his copy of the famous painting depicting the signing of the Declaration of Independence.

Mr. Gullickson was born in a foreign land, but his proudest possession was his American citizenship; many of his paintings were of our public men and historic events.

In his passing the State loses a patriotic, faithful and conscientious citizen. Our deepest sympathy goes out to his widow.

BE IT RESOLVED that this resolution be printed in the Journal of the Senate as a tribute to the memory of Gustav I. Gullickson and that a duly attested copy thereof be forwarded to his widow.

Filed February 21, 1941.

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Senate Concurrent Resolution "I"—(Committee on Game and Fish)

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A RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF THE INTERIOR (FISH AND WILD LIFE SERVICE) TO ENACT MORE SUITABLE HOURS FOR THE TAKING OF MIGRATORY WATERFOWL DURING THE OPEN SEASON AS PROVIDED FOR BY THE FISH AND WILD LIFE SERVICE.

*Be It Resolved by the Senate of the State of North Dakota and the House of Representatives Concurring:*

WHEREAS, The Fish and Wild Life Service did find it necessary at a time when our migratory birds had been depleted to such an extent that some species were dangerously near the point of extinction, to provide strict regulations governing the hours for taking and daily bag limit, in order to protect and rehabilitate their numbers,

AND WHEREAS, the hours established, together with favorable hatching seasons have been instrumental in increasing our migratory

waterfowl to such numbers as to warrant more appropriate hours for hunting these birds,

AND WHEREAS, the enlargement of the daily bag limit together with a greater number of days of open season means nothing to the hunter unless he is permitted to shoot at a time when and where these birds are available,

AND WHEREAS, the hours for taking migratory game birds during the 1940 open season as established by the Fish and Wild Life Service were not the hours when these birds were available,

AND WHEREAS, in North Dakota it is light enough to see to shoot and retrieve dead or wounded birds one half hour before sunrise,

AND WHEREAS, in North Dakota migratory bird hunting consists largely of field shooting on account of the depletion of our duck waters,

AND WHEREAS, our field shooting is at its best during a very short period of the early morning daylight hours,

NOW THEREFORE, be it resolved by the Senate of the State of North Dakota, the House concurring, that we earnestly and emphatically recommend to the Department of the Interior (Fish and Wild Life Service) the necessity for establishing the hours for the taking of migratory waterfowl from one half hour before sunrise until sunset of each day of the open season.

BE IT FURTHER RESOLVED, that the Secretary of the Senate of the State of North Dakota transmit a copy of these resolutions to each member of Congress in both Houses of the United States Congress and to the Fish and Wild Life Service, Department of the Interior, together with card designating sunrise and sunset hours for North Dakota, with the request that this matter receive their most earnest consideration.

Filed February 19, 1941.

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House Concurrent Resolution "O"—(Fitzharris and Coghlan)

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MEMORIALIZING CONGRESS TO ENACT LEGISLATION GIVING TO THE UNITED STATES DISTRICT COURT OF THE STATE OF NORTH DAKOTA CRIMINAL JURISDICTION WITHIN THE LIMITS OF THE INDIAN RESERVATIONS IN THE STATE OF NORTH DAKOTA FOR THE ENFORCEMENT OF THE CRIMINAL LAWS AND THE PUNISHMENT OF CRIMES COMMITTED THEREIN BY INDIANS UPON PERSONS OF INDIAN BLOOD.

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:*

WHEREAS, the enforcement of the criminal laws within the Indian Reservations in the State of North Dakota has become burdensome financially and otherwise upon the counties wherein such reservations are located, and

WHEREAS, the Federal Government has made no provision to bear any part of the expense entailed in prosecution and punishment of crimes within such Indian Reservations, and the expense of the enforcement of the criminal laws is now borne by the counties, and

WHEREAS, Congress has heretofore enacted Sec. 329 of the Criminal Code of the United States conferring jurisdiction for the enforcement of the criminal laws and violations thereof within the limits of Indian Reservations in that State upon the District Court of the United States, and thereby relieve the counties of the heavy burden of expense connected therewith:

*Therefore, Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:*

That the Congress of the United States is hereby memorialized and petitioned to enact such legislation as may be necessary to transfer to the District Court of the United States for the State of North Dakota exclusive jurisdiction to hear, try and determine all actions and proceedings in which any Indian within the Indian Reservations in the State of North Dakota shall be charged with crimes as defined by the criminal laws of the State of North Dakota committed against any person of Indian blood within the limits of any Indian Reservation in the State of North Dakota, and confer exclusive jurisdiction to the District Court of the United States for the State of North Dakota to sentence any Indian person convicted of any crime as defined by the criminal laws of the State of North Dakota committed within such reservations and to impose like punishment or punishments as are provided by the criminal statutes of the State of North Dakota.

BE IT FURTHER RESOLVED that the Secretary of State of the State of North Dakota be authorized and directed to cause this Reso-



lution to be printed and copies thereof to be mailed to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and that copies be also sent by him to each of the Senators and Representatives in Congress from the State of North Dakota.

Filed March 10, 1941.

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Senate Concurrent Resolution "H"—(Kehoe, Olson of Mountrail and Fowler) (Special Committee on Code Revision)

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APPOINTMENT OF AN INTERIM LEGISLATIVE COMMITTEE  
ON CODE REVISION; PRESCRIBING THE DUTIES AND  
COMPENSATION OF THE COMMITTEE.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

WHEREAS, The Twenty-eighth Legislative Assembly of the State of North Dakota will have for consideration and adoption, the revised codes of the State of North Dakota prepared by the Code Revision Commission under the provisions of Chapter 110 of the Session Laws for the year 1939, and

WHEREAS, The Supreme Court of the State of North Dakota in the case of State vs. Berta E. Baker, 69 N. D. 488, 288 N. W. 202 held unconstitutional that part of Chapter 110 of the Session Laws for the year 1939 which provided that the Code Revision Commission shall determine upon the style of printing and binding to be used, shall advertise for bids for printing the code and shall let the contract to the lowest and best bidder for the printing of such code, the Twenty-eighth Legislative Assembly will have the problem of determining the style of printing and binding to be used in the new revised code if it is adopted, and of advertising for bids and contracting for the printing of such code, and

WHEREAS, The work of the Twenty-eighth Legislative Assembly in connection with the revised code will be greatly facilitated if a joint interim committee from the Legislative Assembly is appointed to consider the revised code and make recommendations thereon, and to make an investigation of the various styles for printing and binding of said code and of the various plans and methods to be pursued in the printing thereof, and report to the Twenty-eighth Legislative Assembly on said matters together with the cost of printing the code under the various methods investigated by said committee, and

WHEREAS, the Code Revision Commission in its report to the

Senate and House of Representatives of the Twenty-seventh Session of the Legislative Assembly of the State of North Dakota recommended the appointment of an interim committee to study the new code and all matters in connection therewith before the convening of the Twenty-eighth Session of the Legislative Assembly so that such committee could make a report of such matters to the Legislative Assembly.

*Now, Therefore, Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:*

That a joint interim legislative committee which shall consist of four members of the Twenty-seventh Legislative Assembly of the State of North Dakota shall be selected and appointed as follows: Two members of the Senate to be selected by the President of the Senate with the approval of the members thereof; and two members of the House of Representatives to be selected by the Speaker of the House with the approval of the members thereof.

BE IT FURTHER RESOLVED, That upon the provision by the Legislative Assembly of the necessary funds to enable such joint interim legislative committee to perform the functions and duties imposed upon it herein, and during the Twenty-seventh Session of the Legislative Assembly, such interim legislative committee shall organize by electing one of its members as chairman.

BE IT FURTHER RESOLVED, That each member of the said joint legislative committee shall be entitled to his actual traveling expenses and in addition, to compensation of seven dollars per day while actually engaged in the work assigned to him by the joint legislative interim committee, including attendance at committee meetings.

BE IT FURTHER RESOLVED, That it shall be the duty of the committee to make a study of the revised codes of North Dakota being prepared under the provisions of Chapter 110 of the Session Laws for the year 1939, and of the various styles of printing and binding usable in such code, to advertise for bids for the printing of such code, and to report to the Twenty-eighth Legislative Assembly upon all of such matters including the cost of publication of the revised codes in the various styles and under the various plans considered by such committee.

BE IT FURTHER RESOLVED, That the Code Revision Commission shall, and it is hereby requested by the members of this Legislative Assembly to aid and assist such committee in every way possible in securing information and facts necessary to enable the committee to make its report to the Legislative Assembly and in the preparation of such report.

Filed February 22, 1941.

Senate Concurrent Resolution "N"—(Committee on Employment)

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**DANCE-LEGISLATIVE EMPLOYEES**

WHEREAS it has always been the custom in each legislative session to have a mock session provided by the employees of each legislative session, and

WHEREAS following said mock session there be held a dance for employees, legislators, and friends, and

WHEREAS under a ruling of the Board of Administration, a Concurrent Resolution must be passed in order to obtain the use of House chambers and said corridor,

NOW THEREFORE, be it resolved by the Senate of North Dakota, House of Representatives concurring, that the Board of Administration be hereby requested to give permission to the employees of the Senate and House of Representatives the use of said state owned property, furnishing proper police to maintain proper order and decorum.

BE IT FURTHER RESOLVED that the Secretary of the Senate be requested to send one copy of this resolution to the Secretary of the Board of Administration of the State of North Dakota.

Filed March 4, 1941.

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House Concurrent Resolution "Y"—(Committee on Employment)

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**AUTHORIZING TRANSFER OF FUNDS FOR LEGISLATURE**

WHEREAS, there is not sufficient monies in the Mileage and Per Diem of Officers and Employees Fund as appropriated by the 26th Legislative Assembly, and

WHEREAS, there will be a balance of credit in the Mileage and Per Diem Members Fund, in the Printing Fund, and the Miscellaneous Fund,

NOW, THEREFORE BE IT RESOLVED, that the State Auditor is herewith instructed to transfer from the Mileage and Per Diem of Members Fund the sum of \$2000.00; from the Printing Fund the sum of \$5000.00, and from the Miscellaneous Fund the sum of \$1000.00, over to the Mileage and Per Diem Fund Officers and Employees, making a total transfer of \$8000.00.

Filed March 10, 1941.

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Senate Concurrent Resolution "V"—(Committee on Employment)

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RECORD OF BILLS—PREPARATION

WHEREAS, A complete record of action upon and disposal of all bills introduced in the Senate during this Session, should be made available to Senate Members as quickly as possible; such record to show what bills have been indefinitely postponed, withdrawn or passed, with notation of Journal date and page of amendments thereto;

*Therefore, Be It Resolved by the Senate, the House of Representatives Concurring:* That such compilation be at once prepared in a pamphlet similar in size to the Senate Journals; that Ruth Smith be employed for the Senate; working to prepare such compilation immediately. A copy of the same to be mailed as speedily as possible by the Senate mailing force to each member of the Senate, at the home address thereof. That the said Ruth Smith be and is hereby respectively retained on this work for the Senate for the period of three days after the adjournment of this Legislative Assembly, at her present pay; such compensation with the printing expense of such pamphlet and of mailing the same to be charged and paid as legislative expense.

Filed March 11, 1941.

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Senate Concurrent Resolution "W"—(Committee on Employment)

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SENATE JOURNALS, COMPLETION OF

*Be It Resolved by the Senate, the House of Representatives Concurring:*

That S. B. Salverson and Dwight Kamrath, Mailing Clerks of the Senate, of the Twenty-seventh Legislative Session, be retained for five days after the close of this Session to complete sending Senate Journals of the last days of the Session; and C. C. Morrison and J. O. Bergheim, Proofreaders in the Senate, be retained for two days after the close of the Session to finish proofreading the Journals of the Senate for the last day of this Twenty-seventh Legislative Assembly; and that Clarence Anderson and John Koehn, Pages of the Senate, be retained for two extra days after the close of the Session for the purpose of wrapping and either mailing or expressing to the members of the Senate, bill books, Journals, reports and files.

BE IT FURTHER RESOLVED, That each of the above named

employees, to-wit: S. B. Salverson and Dwight Kamrath as mailing clerks, be paid for said additional five days the sum of \$4.50 per day; and C. C. Morrison and J. O. Bergheim, proofreaders, be paid the sum of \$5.00 per day for two days; that Clarence Anderson and John Koehn as pages be paid the sum of \$4.50 per day for said additional two days; all the above to be paid as other legislative expense and paid when the respective claims are verified by the affidavits of said parties herein named, at the completion of such work.

Filed March 11, 1941.

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Senate Memorial Resolution "E"—(Feton, Fowler, Brunsdale)

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**B. W. LEMKE**

WHEREAS, the late Senator B. W. Lemke was called by death on November 30, 1940; and

WHEREAS, he had served the twenty-second legislative district for two terms as a representative, and was a member of the Senate for three sessions, during which time he was prominently associated with much of the more important phases of legislation during a critical time in the State's history:

THEREFORE, BE IT RESOLVED, by the Senate, that we express our appreciation for the qualities of good citizenship which always characterized his work; and for his adherence to high ideals and a sincerity of purpose during his tenure of office; and

BE IT FURTHER RESOLVED, that the Senate convey to his brothers and sisters the keen sorrow it feels at his passing; and that a copy of this resolution be forwarded by the Secretary of the Senate to them as follows:

Honorable William Lemke, Fargo, North Dakota  
Honorable Henry Lemke, Devils Lake, North Dakota  
Mr. Fred Lemke, Medicine Hat, Saskatchewan, Canada  
Mrs. R. T. Muir, Rock Lake, Idaho  
Mrs. C. F. Clark, Fort Benton, Montana  
Mrs. J. C. Shotton, c/o Mrs. Henry Botz, Cando, North Dakota  
Mrs. Henry Botz, Cando, North Dakota

Filed January 30, 1941.

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Senate Memorial Resolution "D"—(Brunsdale, Fowler and Feton)

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**HENRY LEUM**

WHEREAS, the late Senator Henry Leum, of the eighth legislative district, was called to his eternal reward on July 23, 1940; and

WHEREAS, He served as a member of the House in the Twenty-fifth Legislative Assembly and as a member of the Senate in the Twenty-sixth Legislative Assembly; and

WHEREAS, His tenure of public office has always been characterized by a high degree of devotion to those principles of good government which are essential to its efficient and honest administration, and by a sincere endeavor on his part to further the well being of all in state and local matters:

THEREFORE BE IT RESOLVED, By the Senate that we express our heartfelt appreciation for the valuable services rendered by our distinguished citizen; and that we express our keen sorrow at his passing; and

BE IT FURTHER RESOLVED, That we extend to his wife, Mrs. Clara Leum, his sons, Paul, Mark, and Neil, our sincere sympathy; that this resolution be printed in the Journal and an engrossed copy of same be sent to his family at Mayville, North Dakota.

Filed January 28, 1941.

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Senate Concurrent Resolution "G"—(Tweten)

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**INCREASE LOAN VALUE ON GRAINS AND FARM PRODUCTS**

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:*

WHEREAS, approximately 85% of the citizens of North Dakota must derive all of their living from the production and sale of grain and other farm products; and

WHEREAS, the costs of all agricultural implements and all supplies necessary for the purpose of maintaining and continuing farm operations have greatly increased with the result that the present Government loan values allowed for grains and other farm products are not sufficient to cover the actual expense of farming operations and necessary living requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State

of North Dakota, the House of Representatives concurring, That we memorialize Congress to pass such legislation as may be necessary to enable the Federal Government to increase the loan value on grains and farm products, at least 25% and especially upon the grains most universally raised in North Dakota, namely, wheat, rye, barley and corn.

BE IT FURTHER RESOLVED, that the Secretary of the Senate transmit a copy of this resolution to the Honorable Franklin D. Roosevelt, President of the United States, the Honorable Claude R. Wickard, Secretary of Agriculture, the Honorable Gerald P. Nye, Senior Senator from North Dakota, the Honorable William Langer, Junior Senator from North Dakota, and to the Honorable Usher L. Burdick and the Honorable Charles R. Robertson, Representatives in Congress from North Dakota.

Filed March 11, 1941.

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Senate Memorial Resolution "B"—(Streibel)

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**WESLEY MATTHAEI**

WHEREAS, our late associate, Senator Wesley Matthaei of Wells County, long a prominent member of this body and an outstanding citizen of this State was called by death since the last Legislative Assembly met.

THEREFORE, Be It Resolved, that this Senate express its deep sympathy to his brother Doctor D. W. Matthaei and to other relatives, and that a copy of this Resolution be sent by the Secretary of the Senate to Doctor D. W. Matthaei at Fessenden, North Dakota.

Filed January 16, 1941.

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Senate Concurrent Resolution "O"—(Wog and Dahl)

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**MILITARY HIGHWAYS**

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

WHEREAS, The national defense agencies of the Federal Government have designated 985 miles of the North Dakota State Highway system as being highways of major importance in the defense emergency now facing this nation, and

WHEREAS, Surveys of this strategic military mileage have been made by the Public Roads Administration cooperating with the North Dakota Highway Department through the State-Federal Highway Planning Survey, said surveys disclosing that an important part of this mileage is still a dry-gravel road without a dustless surface, and other portions of the mileage are obsolete so that a substantial part of the designated mileage must be built to present day standards to provide for the movement of vast quantities of munitions and supplies and large numbers of men necessary for the effective operation of the defense forces of the national government and

WHEREAS, It is estimated that to bring the strategic military network of highways in North Dakota to the minimum standards required to meet the defense program of the United States will cost approximately \$20,600,000, and

WHEREAS, The North Dakota Highway Department has available during the coming biennium an estimated amount of less than \$1,000,000 of State funds that may be available for matching regular Federal Aid funds for expenditure on the strategic network of highways, the State funds thus available being collected from road use taxes on the motor vehicle owners of the State of North Dakota, and

WHEREAS, The North Dakota Highway Department is confronted with a serious shortage of available revenue to meet the normal demands of highway construction and maintenance on the State Highways system, it being estimated that in addition to the cost of standardizing the 985 miles of the strategic network it would require an additional expenditure of approximately \$21,000,000 to bring other portions of the State Highway system to modern minimum standards, and

WHEREAS, The Federal Government is now collecting in North Dakota through Federal gasoline taxes, lubricating oil taxes, and other excise taxes on the operation of motor vehicles, a sum substantially greater than the amount returned to North Dakota as Federal highway aid, and

WHEREAS, The North Dakota Highway Department contemplates cooperating with the Federal Government in improvement of the strategic military network so far as available funds will permit and the improvement of other sections of the State Highway system may be deferred, and intends to cooperate with the Federal Government in every way possible by using its engineering facilities in preparing surveys, plans and specifications for a strategic network of military highways, and

WHEREAS, The State of North Dakota is unable to provide any material increase in the amount of State funds available for matching regular Federal Aid funds on highway construction and it is not



feasible to accomplish the improvement of the strategic military network of highways on the present basis of matching Federal Aid funds with State funds,

NOW, THEREFORE, BE IT RESOLVED By the Senate of the Twenty-seventh Legislative Assembly, the House concurring, that the Congress of the United States be respectfully requested to give early and deliberate consideration to the need for emergency appropriations to expedite the construction of roads on the strategic military network, said funds to be appropriated for expenditure through the same agencies as regular Federal Aid and to be allocated among the several States on the same basis as regular Federal Aid at the present time, and

BE IT FURTHER RESOLVED That the Congress be respectfully requested to make such appropriations as may be necessary for improvements of the strategic military network available for expenditure on a basis that will reduce to a minimum the funds required by the States to carry out such defense program.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the President of the United States and to each member of the North Dakota Congressional delegation.

Filed March 11, 1941.

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Senate Concurrent Resolution "M"—(Stucke and Owings)

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**MEMORIALIZING CONGRESS TO CONSTRUCT THE PROPOSED  
MISSOURI RIVER DIVERSION PROJECT**

WHEREAS, very extensive surveys and investigations have been carried on in connection with the Missouri River Diversion Project during the past year by the Corps of Engineers, U. S. Army and by the Bureau of Reclamation, and

WHEREAS, the Missouri River Diversion Project is for the purposes of lake and groundwater restoration, municipal and industrial water supplies, sewage and waste disposal, stock-watering, irrigation and other agricultural purposes, and

WHEREAS, the Missouri River Diversion is a project of immense magnitude and is not only of great benefit to the State of North Dakota, but also to the states of South Dakota and Minnesota, and is of great importance to the entire nation, and

WHEREAS, the Project is recognized as being sound and practicable from an engineering standpoint and a series of drought years and economic studies have shown there to be a most urgent need

for the project and that very extensive benefits will be derived from its construction and operation.

NOW THEREFORE, BE IT RESOLVED, That the Senate of the State of North Dakota, the House concurring therein, petition the Congress of the United States and the President of the United States to enact and approve such legislation or to carry out such measures as will provide for the immediate construction of the Missouri River Diversion Project.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the Senators and Congressmen from North Dakota.

Filed March 4, 1941.

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Senate Resolution "B"—(Stucke and Brunsdale)

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#### NATIONAL GUARD

*Be It Resolved by the Senate of the State of North Dakota:*

WHEREAS, pursuant to executive order of the President of the United States and the statutes in such case made and provided, this the 10th day of February, 1941, has been designated as mobilization day for the 34th Division, and today the 164th Infantry of the North Dakota National Guard is being inducted for one year of active training as a part of the National Defense Program, and

WHEREAS, we are proud that North Dakota is able to answer the call in this present emergency as it always has done in the past. We recall with a feeling of pride the military records of the State of North Dakota and rejoice that today North Dakota will tender to the service of our country a fine regiment of men under the direction and guidance of well trained and capable officers, and

WHEREAS, in every instance our soldiers have acquitted themselves in a manner that has brought distinction to the regiment and credit to the State of North Dakota, it is fitting that we should call to mind the service of our regiment in answering the call of 1898 for the Spanish American War; in responding to the call in 1916 for service on the Mexican border; and to remember their unselfish service and sacrifices in answering the call of 1917 during the World War.

NOW, THEREFORE BE IT RESOLVED BY THE SENATE: That we pause in our deliberations to extend to Colonel Earl R. Sarles, Com-

manding Officer of the 164th Infantry, and to his officers and men our very best wishes and to bid them God speed in their journey to the training camp, and we wish them to know that we appreciate their patriotism in laying aside their private business and personal affairs to undergo this training period to better enable our country to preserve and to defend our democratic ideals and institutions.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Colonel Earl R. Sarles, Commanding Officer of the 164th Infantry.

Filed February 12, 1941.

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House Resolution "M"—(Crocket and Fitch)

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NATIONAL GUARD

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, pursuant to executive order of the President of the United States and the statutes in such case made and provided, this the 10th day of February, 1941, has been designated as mobilization day for the 34th Division, and today the 164th Infantry of the North Dakota National Guard is being inducted for one year of active training as a part of the National Defense Program, and

WHEREAS, we are proud that North Dakota is able to answer the call in this present emergency as it always has done in the past, we recall with a feeling of pride the military records of the State of North Dakota and rejoice that today North Dakota will tender to the service of our country a fine regiment of men under the direction and guidance of well trained and capable officers, and

WHEREAS, in every instance our soldiers have acquitted themselves in a manner that has brought distinction to the regiment and credit to the State of North Dakota, it is fitting that we should call to mind the service of our regiment in answering the call of 1898 for the Spanish American War; in responding to the Call in 1916 for service on the Mexican border; and to remember their unselfish service and sacrifices in answering the call of 1917 during the World War.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES: That we pause in our deliberations to extend to Colonel Earl R. Sarles, Commanding Officer of the 164th Infantry, and to his officers and men our very best wishes and to bid them God speed in their journey to the training camp, and we wish them to know

that we appreciate their patriotism in laying aside their private business and personal affairs to undergo this training period to better enable our country to preserve and to defend our democratic ideals and institutions.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Colonel Earl R. Sarles, Commanding Officer of the 164th Infantry.

Filed February 10, 1941.

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Senate Concurrent Resolution "Y"

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**NON-NAVIGABLE RIVERS, YELLOWSTONE, MISSOURI**

WHEREAS, Sections 9 and 10 of the Rivers and Harbors Act of 1899, make it unlawful for any State to construct any bridge, dike or causeway over or in any navigable river or other navigable water of the United States without the consent of Congress and without the approval of the plans by the Chief of Engineers and the Secretary of war; and

WHEREAS, by the Federal Water Power Act of 1920, no State may construct or permit the construction of a water power development in any such navigable river except pursuant to a license from, and under the regulation of the Federal Power Commission; and

WHEREAS, the Supreme Court of the United States in a recent decision with respect to the navigability of a stream in the State of Virginia, under which decision, as stated in a dissenting opinion, "every creek which has enough water when conserved by control works to float a boat drawing two feet of water", is rendered navigable if such condition can be brought about by the expenditure of enormous sums of money; and

WHEREAS, the effect of said decision is to obstruct the State and other governmental subdivisions in the building of bridges over rivers and streams which no one has ever considered navigable; and

WHEREAS, the situation resulting from the newly prescribed test of navigability will operate to demoralize the activities of the State of North Dakota in the construction of highways, irrigation systems and other works of internal development in a manner never intended by Congress in passing the laws affecting the navigability of streams and the development of water power; and

WHEREAS, on the Yellowstone River and on that portion of the Missouri River above the south line of North Dakota, waterway

transportation has been found to be impractical and has long ago been abandoned and an urgent demand now exists that all of the waters of these two streams be used for purposes other than navigation; and

WHEREAS, in view of the said court decision, it is important that all rivers and streams in the State of North Dakota which are not navigable in their natural condition and which are not now considered navigable, be declared by the Congress of the United States to be non-navigable.

NOW THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House concurring therein, that the Senators and the Members of the House of Representatives of North Dakota in the Congress of the United States, be and they are respectfully urged to use their best efforts to secure the enactment of legislation by the Congress designating as non-navigable all of the Yellowstone River and that portion of the Missouri River above the south line of the State of North Dakota, and all rivers in North Dakota which are not navigable in their natural condition and which are not now considered navigable.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Senators and Congressmen of North Dakota.

Filed March 11, 1941.

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House Concurrent Resolution "Z2"—(Twichell)

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**COMMENDING THE ORIGINAL NORTH DAKOTA CAPITOL  
COMMISSION FOR SERVICES RENDERED IN THE  
CONSTRUCTION OF THE CAPITOL BUILDING.**

WHEREAS, the new State Capitol, in the commodious chambers of which this Legislative Assembly is convened, was planned and designed, and the construction of which was commenced under the direction and supervision of the original North Dakota Capitol Commission appointed in March 1931 by the Honorable George F. Shafer then Governor of North Dakota, consisting of the Honorable Geo. A. Bangs of Grand Forks, North Dakota, who served as its chairman, the Honorable Fred L. Conklin of Bismarck, North Dakota, who served as its vice-chairman, Honorable G. Angus Fraser, then Adjutant General of North Dakota, and Major Frank L. Anders, who served as its Secretary; and

WHEREAS, as a result of the careful planning, painstaking labors and rare judgment and wisdom exercised by the members of said Commission between March 1931 and January 1933, during which

time the members of said Commission served continuously without financial remuneration, our State now enjoys the use and benefits of the most modern and up-to-date Capitol in the United States—a building which, for elegance, beauty, utility, durability, convenience and commodious arrangements is unexcelled by any public building in the United States or Canada—a governmental structure which daily commands the admiration of hundreds of visitors from within and without the State, and in which all the people of North Dakota have a justifiable pride;

*Now Therefore, Be It Resolved by the House of Representatives, the Senate Concurring:*

That the Honorable Geo. A. Bangs; Honorable Fred L. Conklin, Honorable G. Angus Fraser, and Major Frank L. Anders, be officially commended for their patriotic and invaluable public services rendered to the State of North Dakota in designing, planning and inaugurating the construction of the new State Capitol, and do hereby express to each of them the gratitude and appreciation of the members of this Legislative Assembly for their unparalleled public service to this and succeeding generations of North Dakota citizens; and

BE IT FURTHER RESOLVED, that an engrossed copy of this Resolution, duly certified by the Secretary of State, be transmitted to each of the distinguished citizens herein commended, by the Governor, together with a letter conveying the compliments and respects of the members of this Legislative Assembly.

Filed March 10, 1941.

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Senate Memorial Resolution "G"—(Young, Gronvold, Bond and Nelson of Grand Forks)

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C. H. PORTER

*Be It Resolved by the Senate of the State of North Dakota:*

WHEREAS, C. H. Porter, an old time resident of LaMoure, North Dakota, was called to his eternal reward on November 13, 1940; and

WHEREAS, he was a prominent figure in county pioneer history, former county office holder, and State Senator from 1915 to 1919; and

WHEREAS, during all of his public service and during his life, as a private citizen, he was a splendid example of good citizenship

and his example and works in life have had a continuing influence in the progress of his community;

THEREFORE, BE IT RESOLVED, by the Senate that we hereby express our heartfelt appreciation for the loyal service of our distinguished citizen, the late C. H. Porter, and our keen sorrow at his passing;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of the Senate to each of his two daughters, Mrs. John Muir of LaMoure, North Dakota and Mrs. A. A. Stone of Minneapolis, Minnesota.

Filed February 28, 1941.

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Senate Concurrent Resolution "A"—(Committee on Taxes and Tax Laws)

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**RELIEF AND DEBT SURVEY COMMISSION, CONTINUATION OF**

*Be It Resolved by the Senate of the State of North Dakota, the House Concurring, that:*

WHEREAS, the Relief and Debt Survey Commission created pursuant to the Concurrent Resolution adopted by the 26th Legislative Assembly, has concluded an extensive survey of the relief and municipal debt problems existing in North Dakota, and has filed its report with the Governor as required by the Resolution; and,

WHEREAS, it appears that, for reasons of economy, the Commission has not encumbered its report with elaborate statistical details but has confined its report principally to general conclusions and legislative recommendations; and it further appearing that such Commission will be able to render valuable assistance to this Legislative Assembly in connection with proposed legislation relating to relief and municipal debt problems; and that the Governor has recommended the continuance of such Commission for the duration of this session of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring; that the Relief and Debt Survey Commission organized and created pursuant to the Concurrent Resolution adopted by the 26th Legislative Assembly, be continued for the duration of this session of the Legislature, to serve the Legislature, in an advisory capacity, in respect to proposed legislation pertaining to relief, municipal debt, local tax revenue and related matters; provided that none of the members of

such Commission shall receive any compensation for serving on the Commission during this session of the Legislature.

Filed January 25, 1941.

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Senate Resolution "Z"

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RELIEF AND DEBT SURVEY COMMISSION, PAYMENT FOR  
LEGAL SERVICES

*Be It Resolved by the Senate of the State of North Dakota, That:*

WHEREAS, The Relief and Debt Survey Commission has heretofore engaged and employed attorneys C. F. Kelsch and Geo. F. Shafer to prepare and present such bills as said commission recommended for passage by this assembly and which services have been performed, and

WHEREAS, the joint committee on the refunding of the state indebtedness did, on January 29, 1941, designate said attorneys as counsel for such joint committee in connection with preparation of all bills introduced by such committee for the refunding of state's indebtedness and to furnish all legal assistance required by said committee during this legislative session, which services have been performed, and

WHEREAS, said attorneys have prepared numerous other bills or assisted in the preparation of additional bills at the request of legislative committees of both branches of the legislature and various members thereof, which services have been performed by said attorneys, and

WHEREAS, it appears that there are sufficient funds in the appropriation for the Relief and Debt Survey Commission for the payment of reasonable attorney's fees for such legal services and that no further or additional appropriation is required.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota:

That the Relief and Debt Survey Commission shall authorize the payment for the legal services so rendered out of any unexpended funds appropriated to the commission.

Filed March 11, 1941.



Senate Concurrent Resolution "S"—(Public Welfare Committee)

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### RELIEF FUND LOANS

Requesting the Bank of North Dakota with the approval of the Industrial Commission to make loans to the Public Welfare Board of North Dakota to meet emergencies for funds to match Federal grants under the Social Security Programs or general relief requirements.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:* That

WHEREAS, the Public Welfare Board of North Dakota, as created by Chapter 221 of the Session Laws of 1935, is a department of the State of North Dakota; and

WHEREAS, the Bank of North Dakota, under the provisions of Section 5192a15 of the 1925 Supplement to the Compiled Laws of 1913, is authorized, with the approval of the Industrial Commission of this State, to transfer funds and make loans to any state department, which funds shall be returned to the Bank of North Dakota with interest; and

WHEREAS, State funds to match Federal funds for the Social Security Programs must be available thirty days prior to the beginning of each quarter in order to secure Federal matching funds in time to meet payments for that quarter, therefore,

BE IT RESOLVED that in the event of emergencies where funds appropriated by the Legislature for meeting Social Security or general relief requirements are not available in the State Treasury when needed, that the Industrial Commission be requested to approve loans and the bank of North be requested to make such loans if possible to do so, and further providing that such loans shall in no case be in excess of \$200,000.00 or in excess of amounts appropriated by the Legislature for such purposes, and that said loans be paid with interest as soon as there is money available in the State Treasurer's office to meet said appropriations for Social Security or general relief.

Filed March 11, 1941.

Senate Joint Resolution No. 1—(Stucke, Fowler, Grieser, Young, Owings, and Nelson of Grand Forks)

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ENDORSING CHARLES R. ROBERTSON FOR APPOINTMENT ON  
COMMITTEE ON AGRICULTURE

WHEREAS, the main source of income and production of the State of North Dakota is from agriculture and agricultural products and our state should in all fairness and propriety be represented on the Committee on Agriculture of the House of Representatives in Congress.

NOW THEREFORE be it Resolved by the legislative assembly of the State of North Dakota now in session that we request that North Dakota be given a place upon said Committee on Agriculture and that we endorse Congressman Charles R. Robertson for appointment to a place on said committee.

Filed January 14, 1941.

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Senate Concurrent Resolution "P"—(Committee on Public Welfare)

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SOCIAL SECURITY ACT

Requesting Congress to amend the Social Security Act to provide Federal Grants to states for public assistance on an equalization basis, taking into consideration the ability of the state to finance public assistance; to permit the states to develop medical care programs for recipients of public assistance, the cost of such medical care to be matched with Federal funds on a fifty per cent basis; to provide one hundred percent Federal grants to estates for assistance for certain Indians; to increase maximum grants in aid for dependent children; to provide for Federal participation in costs incurred by states in referring persons to Federally financed welfare programs; and to provide for the enactment of a new title to the Social Security Act providing for grants in aid to the state for general assistance to needy residents and migrants.

WHEREAS, geographical location and the location of industries and other factors result in wide differences in the tax paying ability of citizens of the various states as evidenced by differences in the per capita income of the states, and

WHEREAS, the problem of providing medical care for public assistance recipients under the Social Security Programs and of providing general assistance to needy residents and migrants has become a burden which exceeds the tax paying ability of many states and local communities, and

WHEREAS, the cost to the states and the local subdivisions of

providing public assistance to Indians living on public reservations in those states having a large Indian population is a burden which those states and local sub-divisions cannot and should not be expected to carry, and

WHEREAS, the cost to the states and local sub-divisions of taking applications, making investigations, and referring persons to welfare programs such as the Work Projects Administration, Farm Security Administration, and Civilian Conservation Corps, financed with Federal funds, is becoming an increasingly heavy burden on the states because of the requirements of those Federal agencies in connection with such referrals, and

WHEREAS, the maximum amount which the Federal government will match for Aid to Dependent Children under Title IV of the Social Security Act is \$9.00 for any month with respect to one dependent child, and \$6.00 with respect to each other dependent child in a family, which maximum amount is entirely inadequate to provide for the needs of a mother and one or two children, therefore,

BE IT RESOLVED, that the Legislative Assembly of the State of North Dakota hereby memorialize Congress to amend the Social Security Act to:

1. Authorize equalization grants to the states under each public assistance title on the basis of the relationship of the average per capita income in the state to the national average per capita income, with respect to costs of assistance;
2. Add a new title to the Social Security Act providing for grants in aid to the states for general assistance to needy residents and migrants on a matching basis equalized in accordance with the relationship of the average per capita income in the state to the national average per capita income;
3. Amend each public assistance title in the Social Security Act to permit the states to develop medical care programs for recipients of public assistance on a matching basis;
4. Amend each public assistance title to authorize one hundred per cent Federal grants to the states for costs of assistance and administration with respect to Indians living on public reservations;
5. Provide for Federal participation in costs incurred by state agencies in referring persons to Welfare programs financed with Federal funds as Work Projects Administration, Farm Security Administration, Civilian Conservation Corps, etc.;
6. Amend Title IV of the Social Security Act increasing the grants which the Federal government will match to \$20.00 for the first child in each family, and \$6.00 for each additional child in the family.

BE IT FURTHER RESOLVED, that this resolution be sent to the President and the Congress of the United States and the Congressional delegation from North Dakota.

Filed March 11, 1941.

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House Concurrent Resolution "N"—(Committee on Federal Relations)

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**REQUESTING CONGRESS TO INVESTIGATE CONDITIONS ON  
THE STANDING ROCK INDIAN RESERVATION, AND RE-  
LIEVE NEEDS EXISTING THERE.**

*Be It Resolved by the House of Representatives of the State of  
North Dakota, the Senate Concurring:*

WHEREAS, Upon petition of the Sioux Indians of the Standing Rock Reservation, who testified at a joint hearing of the Senate Indian Affairs and House Federal Relations committees that the general situation on the reservation is bad, and that the ration system as used on their reservation has failed, and recommended that monies appropriated by the United States Congress for rations be disbursed through State relief channels, as for white people, who take their grocery orders to the merchants, selecting from staple foods authorized, the Legislature by resolution, H. C. Res. "G", authorized an investigation of the conditions existing in that area of the reservation lying within the State of North Dakota, and,

WHEREAS, a special joint committee visited Fort Yates, Cannonball, and Porcupine Sub-Agency, examined witnesses, and personally saw the deplorable, wretched conditions under which these Indians are existing, and as shown by report and testimony on pages 235-248, of the Senate Journal for February 8, 1941, which report is incorporated herewith by reference thereto and hereto attached, and also by photographs of a few of the cases referred to in the committee report attached hereto and made a part of this resolution, and

WHEREAS, the report of this committee indicates that many of these unfortunate people live on food allowances of the value of \$3.45 per month, and families of four on a double ration, amounting to \$6.90 per month, with perhaps occasional surplus commodities, inequitably distributed; green coffee, and no fruit, dairy products, nor milk for children; with only a very limited amount of dead cottonwood and willow timber and driftwood for fuel, burned in stoves not worthy of the name, wholly inadequate medical facilities; inability to contact the superintendent; school children with no other garments than one dress, a coat, stockings and shoes; old women gathering their own wood; and many entire families huddled

in poor, leaky tents, with no furniture and inadequate bedding, nearly freezing in sub-zero weather; and that many other intolerable conditions were found to be the rule and not the exception; and many of the most miserable tents and huts were within a stone's throw of the beautiful brick office and residential buildings of the agency at Fort Yates and the sub-agencies at Cannonball and Porcupine, and

WHEREAS, such living conditions are demoralizing to both the younger and older Indians, and it appears that this situation is not known to Congress,

NOW, THEREFORE, BE IT RESOLVED, that we respectfully request Congress to authorize an immediate and thorough investigation of the conditions that exist on the Standing Rock Indian Reservation; and that adequate food, clothing, shelter, fuel, medicine and other urgent needs be supplied at the earliest possible moment to these destitute, hungry and homeless Indians and American citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States; to the President of the Senate; the Speaker of the House of Representatives; to Senator Elmer Thomas and Representative Will Rogers, Chairmen of the Senate and House Indian Affairs Committee; to Senators Nye and Langer and Representatives Burdick and Robertson, and to the Press.

Filed February 28, 1941.

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House Concurrent Resolution Z1—(Bergesen, Beede, Haugen)

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**PROVIDING FOR ASSISTANCE OF THE JUDICIAL COUNCIL  
IN OPERATION OF THE STATE WORK FARM.**

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:*

WHEREAS, This Legislative Assembly has enacted House Bill Number 202 providing for the establishment and government of a correctional institution to be known as the North Dakota State Farm, and whereas the management of said Farm is placed under the control of the State Board of Administration, and

WHEREAS, The Judicial Council has heretofore approved the establishment of such institution, and

WHEREAS, The Judges of the District Courts and County courts having increased jurisdiction will determine what persons shall be sentenced to such Work Farm, and

WHEREAS, The State Board of Administration deems it desirable that some provision be made whereby such Board may have the benefit of the council with, and advice of, such Judges in questions and problems that may arise incident to the establishment and operation of such Farm.

NOW THEREFORE, BE IT RESOLVED, That the said Judicial Council of North Dakota be and it is hereby directed to give to the Board of Administration all possible assistance in the establishment and operation of said State Work Farm, and to that end the said Judicial Council is directed to appoint a committee to consult with and aid and assist the said State Board of Administration in matters in connection with the establishment and government of such Farm, it being understood that no compensation or remuneration of any sort shall be allowed to any member of the Judicial Council or such committee for any such service.

Filed March 10, 1941.

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Senate Concurrent Resolution "C"—(Bilden, Blank, Owings)

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#### TOWNSEND RECOVERY PLAN

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

WHEREAS, many of our aged people are dependent upon the Government for food, clothing and shelter, and many more are dreading the day when they will be forced from the payrolls of industry and swell the throng of dependents, and

WHEREAS, many of our young people in the prime of life are unable to secure employment, and

WHEREAS, many of our middle aged people, who are employed, are afraid of losing their jobs, and

WHEREAS, as a result of the above mentioned facts, the vast majority of our population are living in a state of fear, and as fear is the greatest dictator in the world today and to a large extent is responsible for the increase of insanity, vice, and crime,

NOW, THEREFORE, BE IT RESOLVED, That the Senators and Representatives of the State of North Dakota in the Congress of the United States be, and hereby are, requested to take such necessary steps as will insure the immediate passage of the aforesaid "Townsend Recovery Plan" bill, and that copies of this memorial be forwarded forthwith to the President of the United States, to the

President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States.

Filed January 25, 1941.

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Senate Concurrent Resolution "D"—(Tweten, Solberg, Olson of Mountrail)

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**IN REGARD TO UNIVERSITY AND SCHOOL LAND OIL LEASES  
AND IF PRODUCTION OF OIL IS REALIZED**

WHEREAS, under the provisions of the Enabling Act of February 22, 1889 the Federal Government granted to the State of North Dakota certain lands, the proceeds of the sale and rental of which should form a permanent school fund "the interest of which only shall be expended in support of the schools of the state;" and

WHEREAS, there is at present a considerable number of prospectors now in the state endeavoring to determine whether oil and gas may be found in the soil of the state and to develop such resources if they be found to exist; and whereas, the state now owns a considerable amount of land which may produce oil and gas if it be found within the state, and

WHEREAS, under courts construing like provisions in other enabling acts have held that the proceeds of oil and gas found on such public grant lands property are a part of the permanent school funds, and that therefore, no part of such proceeds could be covered into the interest or income fund to be used directly for the support of the schools of the state, and

WHEREAS, the financial conditions of many of our school districts is such that it is extremely difficult for them to maintain their schools, and such conditions could be ameliorated considerably if a portion of the proceeds of oil and gas derived from school lands could be covered into the interest and income fund and used to assist in maintaining such schools, and

WHEREAS, the permanent school fund of the state is now so large that it is difficult to keep it invested profitably,

NOW, THEREFORE, Be It Resolved by the Senate of North Dakota, House of Representatives concurring, therein, that the Senators and Representatives representing North Dakota in Washington, D. C., are hereby requested to endeavor to have the Congress of the United States amend the said enabling act by providing that one-half of the proceeds of oil and gas produced from wells upon lands granted to the State of North Dakota by said Enabling Act

be allocated to the permanent school funds and the other one-half be allocated to the interest and income fund and used for the support of the schools of the state.

This has been duly considered and recommended by the Board of University and School Lands, consisting of the Governor, Secretary of State, Attorney General, State Auditor and Superintendent of Public Instruction.

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to send a copy of this Resolution to The Honorable Gerald P. Nye, the Honorable William Langer, the Honorable Usher L. Burdick, and the Honorable Charles R. Robertson.

Filed February 12, 1941.

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House Concurrent Resolution "E"—(Myers, McIntyre, Glas, Brusseau, Rohde, Juhola, Halvorson, Schwartz, Larson)

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**URGING THE ENACTMENT OF THE WHEAT INCOME CERTIFICATE BILL AND THE DEBT ADJUSTMENT BILL BY CONGRESS**

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:*

WHEREAS, the growing of wheat is one of the most important industries of the State of North Dakota and the welfare of the wheat grower paramount to the people of this state;

WHEREAS, the Wheat Income Certificate Bill, H. R. 43 now introduced in the 77th Session of Congress, will benefit wheat growers of this state; and

WHEREAS, the adjustment of the present debt burden is of vital importance to this state as well as most other states of this union;

WHEREAS, the Debt Adjustment Bill, H. R. 100, now before the 77th Session of Congress, will certainly aid in the solution of this problem;

THEREFORE, BE IT RESOLVED, That we recommend the passage of said Wheat Income Certificate Bill, H. R. 43 and of the Debt Adjustment Bill H. R. 100, as soon as possible and substantially in the form introduced.

BE IT FURTHER RESOLVED, That the Secretary of State is directed to transmit copies of this resolution to the President of the United States and to each of the members of Congress from this state.

Filed February 18, 1941.



Senate Memorial Resolution "A"—(Nelson of Grand Forks, Fowler  
and Stucke)

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GEORGE YOUNG

*Be It Resolved by the Senate of the State of North Dakota:*

WHEREAS, George Young, an old time resident and respected citizen of LaMoure, North Dakota, and an uncle of Senator M. R. Young of LaMoure County, has been called by death;

THEREFORE, BE IT RESOLVED, that this Senate express its deep sympathy to Senator Young and to the other members of the family, and that a copy of this resolution be delivered by the Secretary of the Senate to Senator Young.

Filed January 14, 1941.

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**VETOES**

H. B. No. 335—(Committee on Appropriations)

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**TRANSFER OF \$20,000 FROM AUTO TRANSPORTATION FUND  
TO THE GENERAL FUND**

An Act to transfer to the general fund \$20,000 from the balance on hand July 1, 1941, in the "Auto Transportation Fund."

March 22, 1941.

Mr. Herman Thorson  
Secretary of State  
Bismarck, North Dakota

Dear Mr. Thorson:

I am filing House Bill 335 herewith, without my approval. This bill transfers \$20,000.00 out of the Auto Transportation Fund to the General Fund of the State.

After a careful examination of the statutes which provide for revenue and require that excise and license fees imposed thereby be deposited to the credit of the Auto Transportation Fund, I am of the opinion:

1. That some of the license fees which are covered into the Auto Transportation Fund have been appropriated, by constitutional amendment adopted June 1940, for the payment of obligations incurred in the construction, reconstruction, repair and maintenance of public highways, and that by reason thereof such revenue can not be now diverted to any other purpose by legislative transfer.