

# SENATE CONCURRENT RESOLUTIONS

## SENATE CONCURRENT RESOLUTION "B"

(Kee, Trenbeath, Morgan)  
(From LRC Study)

### LRC WATER CONSERVATION LAW STUDY

A concurrent resolution authorizing and directing the legislative research committee to continue its study of the water conservation laws of the state in order to provide for the greatest possible conservation and utilization of the water resources of the state.

WHEREAS, the Thirty-seventh Legislative Assembly in a concurrent resolution directed the legislative research committee to study and revise the water laws of the state of North Dakota to remove conflicts and ambiguities and ensure their adequacy for the purposes of conservation and maximum utilization of the water resources of the state in the light of changing conditions of modern times; and

WHEREAS, because of the great volume of water laws and the highly complex and technical nature of such laws the legislative research committee's subcommittee on natural resources worked only in those areas that most urgently required study and immediate change; and

WHEREAS, the subcommittee was able to complete its work only in those areas that required immediate study and change and as a result was unable to completely revise all laws needing attention;

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

That the legislative research committee is authorized and directed to continue its study and revision of the water laws of the state of North Dakota to remove conflicts and ambiguities and ensure their adequacy for the purposes of conservation and maximum utilization of the water resources of the state in the light of changing conditions of modern times, and to report its appraisals and recommendations to the Thirty-ninth Legislative Assembly, together with any proposed legislation which may be necessary to carry out such recommendations.

*Be It Further Resolved*, that the legislative research committee shall be authorized to appoint advisory members and to call upon any agency, board, or commission of the state of North Dakota or its political subdivisions for such research,

aid, and assistance as may be necessary to carry out the water conservation study and to employ such other technical and clerical personnel as may be necessary.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "C"

(Kee, Trenbeath, Morgan)  
(From LRC Study)

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DISCLAIMER OF WATER RIGHTS

A concurrent resolution requesting Congress to remove an apparent cloud upon and to disclaim any interest on the part of the United States to certain unused waters in North Dakota under a Declaration of Intent issued by the Secretary of Agriculture of the United States.

WHEREAS, the Honorable Henry A. Wallace, as Secretary of Agriculture of the United States, pursuant to section 8270 of the Compiled Laws of North Dakota for the year 1913 (repealed in 1943), notified the then state engineer of North Dakota by letter dated September 1, 1934, that the United States intended from and after that date to utilize certain specified unappropriated waters as of the date thereof, in the state of North Dakota, in said notice described as follows:

"The Mouse River, also known as the Souris River, and all of its tributaries; the Des Lacs River, also known as the Des Lacs Lakes, and all of their tributaries; the James River, including its tributary the Pipestem River, and all tributaries of both such rivers in North Dakota; the Bois des Sioux River, the Sheyenne River, the Forest River, and all other tributaries of the Red River in North Dakota; all tributaries of the Missouri River in North Dakota;"

and

WHEREAS, in consequence thereof the then Bureau of Biological Survey, an agency in the Department of Agriculture, proceeded to and did acquire land in and adjacent to some of the waters named in said notice, and did establish, construct, and develop wildlife refuges and project works related thereto upon and in such lands and waters, and in connection therewith applied to the state for and was granted rights to appropriate and beneficially use specified quantities of water from several of the sources mentioned in said notice; and

WHEREAS, more than twenty years have elapsed since the expiration of the maximum period allowed under said section 8270 and other applicable state water laws within which pro-

ject works commenced thereunder must be completed and the required notice of completion thereof should have been given the state engineer; and

WHEREAS, the hereinafter listed water rights granted the Bureau of Biological Survey or the Federal Fish and Wildlife Service for the appropriation and utilization of water in connection with such wildlife refuges and related project works, as shown by the records in the office of the state engineer, are the only water rights issued to and held by said agencies which are now in effect and recognized by the state as legal and valid; and

WHEREAS, the United States Department of Agriculture, the United States Department of the Interior, and the Federal Fish and Wildlife Service, after repeated requests by the state engineer therefor made, have failed, neglected, and refused to disclaim interest in or to, and thereby remove the seeming cloud upon, the unused waters of the lakes, rivers, and streams specified and described in the said notice of September 1, 1934, which have not attained the status of or ripened into legal and valid water rights for the appropriation and beneficial utilization of water in connection with the completed wildlife refuges and related project works hereinafter listed; and

WHEREAS, the insufficient rainfall and the growing dependence upon surface water for many beneficial purposes in connection with the State's dominant agricultural economy greatly emphasize the importance of erasing and removing the ostensible cloud upon the State's unappropriated public waters as a result of the said Declaration of Intent;

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

That the United States Congress be and it is hereby most respectfully petitioned and requested to remove the apparent cloud upon, by disclaiming any interest on the part of the United States in or to, the unused waters of the lakes, rivers and streams specified and described in the said Declaration of Intent, dated September 1, 1934, except as the same applies to the right to appropriate and beneficially utilize water, in approved quantities, for and in connection with the completed wildlife refuges and project works related thereto, for which specific water rights have been granted, are now in effect and are recognized as legal and valid by the state of North Dakota, and are identified and listed as follows, to wit:

**Table 1.** Water Appropriations in the Missouri River Basin.

<b>File No.</b>	<b>Name of Refuge</b>	<b>Stream and Tributary to</b>	<b>County</b>	<b>Date of Claim</b>
67	Appert Lake	Creek; Long Lake-Missouri	Emmons	8/30/37
1	Camp Lake	Strawberry Lake; Turtle-Missouri	McLean	8/30/37
73	Canfield Lake	Lake Canfield; Missouri	Burleigh	8/30/37
51	Chase Lake	Chase Lake; Missouri	Stutsman	5/25/38
75	Flickertail	Beaver Creek; Missouri	Emmons	8/30/37
4	Florence Lake	Florence Lake; Missouri	Burleigh	8/30/37
47	Lake George	Lake George; Missouri	Kidder	8/30/37
48	Halfway	Halfway Lake; Missouri	Stutsman	8/30/37
5	Hiddenwood	Hiddenwood Lake; Missouri	McLean-Ward	8/30/37
6	Hutchinson	Hutchinson Lake; Missouri	Kidder	8/30/37
19	Lake Ilo	Spring Creek; Knife-Missouri	Dunn	8/30/37
71	Long Lake	Long Lake Creek; Missouri	Burleigh-Kidder	2/17/37
72	Lost Lake	Painted Woods; Missouri	McLean	8/30/37
8	Lake Nettie	Turtle Lake; Turtle-Missouri	McLean	8/30/37
17	Pretty Rock	Creek; Cannonball, Missouri	Grant	8/30/37
11	McLean (Lake Susie)	Creek; Deep Water, Missouri	McLean	8/30/37
9	Shell Lake	Shell Creek; Missouri	Mountrail	8/30/37
74	Spring Water	Clear Creek; Beaver Creek-Missouri	Emmons	8/30/37
20	Stewart Lake	Deep Creek; Little Missouri-Missouri	Slope	8/30/37
10	Sunburst Lake	Creek; Missouri	Emmons	8/30/37
18	White Lake	Creek; Cannonball-Missouri	Slope	8/30/37
14	Lake Zahl	Little Muddy; Missouri	Williams	8/30/37

**Table 2.** Water Appropriations in the Mouse-Souris River Basin.

<b>File</b>				<b>Date of Claim</b>
<b>No.</b>	<b>Name of Refuge</b>	<b>Stream and Tributary to</b>	<b>County</b>	
21	Cottonwood	Creek; Wintering-Souris	McHenry	8/30/37
28	Des Lacs	Souris; Red	Ward	8/28/37
22	Lords Lake	Lords Lake; Willow Creek-Souris	Bottineau-Rolette	8/30/37
29	Lower Souris	Souris; Red	Bottineau	8/28/37
24	Rabb Lake	Creek; Willow Creek-Souris	Rolette	8/30/37
25	School Sec. Lake	Creek; Willow Creek-Souris	Rolette	8/30/37
29	Upper Souris	Souris; Red	Ward-Renville	8/28/37
26	Willow Lake	Branch; Willow Creek-Souris	Rolette	8/30/37
27	Wintering Lake	Branch; Wintering-Souris	McHenry	8/30/37

**Table 3.** Water Appropriations in the Devils Lake Basin.

<b>File</b>				<b>Date of Claim</b>
<b>No.</b>	<b>Name of Refuge</b>	<b>Stream and Tributary to</b>	<b>County</b>	
43	Brumba	Mauvais Coulee; Devils Lake	Towner	5/25/38
42	Lac Aux Mortes	Mauvais Coulee; Devils Lake	Ramsey-Towner	5/25/38
39	Rock Lake	Mauvais Coulee; Devils Lake	Towner	5/25/38
40	Silver Lake	Mauvais Coulee; Devils Lake	Benson	5/25/38
41	Snyder Lake	Mauvais Coulee; Devils Lake	Towner	5/25/38

**Table 4.** Water Appropriations in the James River Basin.

<b>File</b>				<b>Date of Claim</b>
<b>No.</b>	<b>Name of Refuge</b>	<b>Stream and Tributary to</b>	<b>County</b>	
52	Arrowwood	James and Tributaries; James	Stutsman	8/28/37
54	Bone Hill	Bone Hill; James	LaMoure	8/30/37
53	Dakota Lake	James; James	Dickey	8/30/37
49	Maple River	Maple; James	Dickey	8/30/37

**Table 5. Water Appropriations in the Red River Basin.**

<b>File No.</b>	<b>Name of Refuge</b>	<b>Stream and Tributary to</b>	<b>County</b>	<b>Date of Claim</b>
55	Ardoch Lake	Forest; Forest-Red	Walsh	8/30/37
60	Lamb's Lake	Creek; Goose-Red	Nelson	8/30/37
61	Little Goose	Little Goose; Goose-Red	Grand Forks	8/30/37
62	Prairie Lake	Creek; Goose-Red	Nelson	8/30/37
30	Buffalo Lake	Creek; Sheyenne-Red	Pierce	8/30/37
31	Hobart Lake	Creek; Sheyenne-Red	Barnes	8/30/37
32	Johnson Lake	Creek; Sheyenne-Red	Eddy-Nelson-Foster	8/30/37
33	Pleasant Lake	Creek; Sheyenne-Red	Benson	8/30/37
34	Rose Lake	Creek; Stump Lake-Sheyenne-Red	Nelson	8/30/37
35	Sheyenne Lake	Sheyenne; Sheyenne-Red	Sheridan	8/30/37
50	Coal Mine Lake	Sheyenne; Sheyenne-Red	Sheridan	1/16/39
36	Sibley Lake	Creek Baldhead; Sheyenne-Red	Griggs	8/30/37
37	Stoney Slough	Stoney; Sheyenne-Red	Barnes	8/30/37
38	Tomahawk	Creek; Sheyenne-Red	Barnes	8/30/37
45	Wood Lake	Wood Lake; Sheyenne-Red	Benson	5/25/38
56	Billings Lake	Creek; Red	Cavalier	8/30/37
59	Kelly's Slough	Creek; Turtle-Red	Grand Forks	8/30/37
63	Storm Lake	Creek; Rice-Red	Sargent	8/30/37
58	Lake Elsie	Creek; Wild Rice-Red	Richland	8/30/37
57	Cloud Lake	Creek; Wild Rice-Red	Sargent	8/30/37
64	White Lake	Wild Rice Creek; Wild Rice-Red	Sargent	8/30/37
65	Wild Rice	Wild Rice; Wild Rice-Red	Sargent	8/30/37

*Be It Further Resolved*, that copies hereof be transmitted by the secretary of state to the members of the North Dakota delegation in Congress, who are hereby respectfully requested to take such action as may be deemed necessary or appropriate to give effect thereto; and

*Be It Further Resolved*, that the secretary of state transmit a copy hereof to the Secretary, and Assistant Secretary for Fish and Wildlife, of the United States Department of the Interior.

Filed March 13, 1963.

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SENATE CONCURRENT RESOLUTION "D"  
(Longmire)

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INVITATION TO DR. MENNINGER

A concurrent resolution extending an invitation to Doctor William C. Menninger to address the North Dakota Legislative Assembly on January 15, 1963.

WHEREAS, Doctor William C. Menninger is the Chief of Staff of the Menninger Foundation, Topeka, Kansas, which is recognized as the outstanding psychiatric center in the United States and the world; and

WHEREAS, Doctor William C. Menninger is a renowned author and lecturer in the field of mental health; and

WHEREAS, the Legislative Assembly of the state of North Dakota is very interested in the treatment of mentally ill citizens and in the promotion of the mental health of North Dakota residents;

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

That the North Dakota Legislative Assembly and the people of the state of North Dakota extend to Doctor William C. Menninger an invitation to address the Legislative Assembly on January 15, 1963 at 1:30 p.m.; and

*Be It Further Resolved*, that the secretary of the senate is hereby directed to send a copy of this resolution to Doctor William C. Menninger.

Filed January 11, 1963.

## SENATE CONCURRENT RESOLUTION "E"

(Longmire, Redlin)  

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## NEWSPAPERMAN'S DAY

A concurrent resolution for the purpose of designating January 25, 1963 as Newspaperman's Day at the state legislative assembly and inviting Dr. Charles L. Allen to address the joint meeting of newspapermen and legislators.

WHEREAS, the editors and reporters of North Dakota daily and weekly newspapers are in active partnership with the senators and representatives of this state in the task of keeping the citizens informed about their government; and

WHEREAS, Dr. Charles L. Allen, director of the School of Journalism at Oklahoma State University, who is a former native of North Dakota and the first journalism graduate of the University of North Dakota, will be able to attend a joint meeting of newspapermen and legislators on January 25, 1963;

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

That the senate of the state of North Dakota, and the house of representatives, individually and collectively, invite the newspapermen of their respective districts to spend the day of January 25, 1963 at the state capitol as our guests, to witness at first hand, the legislative process; and

*Be It Further Resolved*, that we participate in the meeting sponsored by the North Dakota Sigma Delta Chi chapter of professional journalists in the house chambers at 3:00 p.m. that day for a discussion of the duties and responsibilities of both the press and public officials under the constitutional guarantee of freedom of the press; and

*Be It Further Resolved*, that the senate of the state of North Dakota, and the house of representatives, join in the invitation to Dr. Charles L. Allen, director of the School of Journalism at Oklahoma State University, to address the joint meeting of newspapermen and legislators.

Filed January 15, 1963.



## SENATE CONCURRENT RESOLUTION "F"

(Morgan, Dahlund, Roen, Ringsak, Baker, Redlin, Reichert)  
(Sanford, Kjos, Torgerson, Sinner, Strinden, Mahoney, Kee)  
(Forkner, Kautzmann, Holand, Wadeson, Mutch, Beck, Longmire)  
(Erickson, Becker)

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## CROP SPRAYING REGULATIONS

A concurrent resolution memorializing the Federal Aviation Agency, Washington, D. C. to abolish its proposed Part 55 of the U. S. Civil Air Regulations, which would create burdensome economic controls and regulations, and eliminate many small aerial crop-spraying operations in the state of North Dakota.

WHEREAS, the Federal Aviation Agency has printed in the Federal Register proposed rule making powers termed "Part 55" which would place all agricultural aerial applicators in the United States under federal economic control and regulation; and

WHEREAS, in the year of 1960 in the United States there were 5,100 agricultural aircraft which treated 52,000,000 acres by air, and in North Dakota in 1962 a total of 252 agricultural aircraft licensed by the State Aeronautics Commission, which aerially sprayed 2,000,000 crop acres with satisfaction to the farmer from the viewpoint of quality, service, and competitive pricing; and

WHEREAS, according to the Federal Aviation Agency's official report, the total accidents in aerial application in the United States for each 10,000 hours of flying was lower in 1959 and in 1960 than in general aviation flying during the latest years available; and

WHEREAS, the Federal Aviation Agency has proposed complete economic control over the industry which will have the effect of limiting competition in North Dakota as well as in the United States by federal decree, which is not in the public interest; and

WHEREAS, the federal control as envisioned by the Federal Aviation Agency will completely eliminate many small aerial applicators from business, especially in a one-crop-per-year state, such as North Dakota, and thus downgrade the service to the farmer; and

WHEREAS, the Federal Aviation Agency's economic control and regulation of this industry will increase the basic cost of providing aerial agricultural services, which ultimately must be paid by the farmer and the consumer; and

WHEREAS, in the state of North Dakota the North Dakota Aeronautics Commission has licensed and regulated aerial applicators since 1948 and provided needed educational short courses for increased safety and better understanding of the use of agricultural chemicals, which differ from region to region and do not lend themselves to uniformity on a national scale due to the nature of agriculture; and

WHEREAS, the U. S. Department of Agriculture, through the land grant colleges and universities in each state, has the necessary professional personnel with knowledge of the proper aerial application and use of agricultural chemicals in each state, which the Federal Aviation Agency is in no position to duplicate, and the Congress has not and should not appropriate funds to the Federal Aviation Agency to duplicate functions and duties of the U. S. Department of Agriculture in this field;

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

That the Federal Aviation Agency, Washington, D.C. is hereby memorialized and respectfully petitioned to abolish its proposed Part 55 of the United States Civil Air Regulations, which would create burdensome economic controls and regulations, and would eliminate many small aerial crop-spraying operations in the state of North Dakota, thus reducing valuable services to the farmers, and act to unwarrantedly eliminate competition in a free enterprise system; and

*Be It Further Resolved*, that copies of this resolution, properly authenticated, be sent by the secretary of state to Najeeb Halaby, Administrator of the Federal Aviation Agency, Washington, D.C.; to the chairmen of the House and Senate Interstate and Foreign Commerce Committees; to the chairmen of the Aviation Subcommittees of the House and Senate of the Congress of the United States; and to each member of the North Dakota congressional delegation.

Filed January 11, 1963.

## SENATE CONCURRENT RESOLUTION "H"

(Solberg, Thompson, Morgan, Dahlund, Bopp, George, Van Horn)

## DUCK HUNTING REGULATIONS

A concurrent resolution urging the United States Fish and Wildlife Service of the Department of the Interior to establish reasonable regulations in respect to the number and species of ducks that may be shot in North Dakota and also urging the United States to enter into an agreement with Mexico to prevent the wholesale slaughter of ducks in Mexico.

WHEREAS, North Dakota raises and feeds more ducks than any other state, and several times more than are shot by state-licensed hunters; and

WHEREAS, the United States Fish and Wildlife Service of the Department of the Interior has imposed unreasonable restrictions respecting the number and species of ducks that may be taken during the hunting season, such restrictions in effect requiring the hunters to carry a duck identification book and field glasses in one hand and a gun in the other; and

WHEREAS, ducks migrating from Canada, and from North Dakota and other states of the United States, are being slaughtered in wholesale numbers in Mexico due to an absence of restrictions respecting duck hunting and the allowance of commercial duck hunting and trapping;

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

That the United States Fish and Wildlife Service of the Department of the Interior establish reasonable regulations which would allow North Dakota hunters to take a greater number of species and ducks during the forthcoming hunting seasons; and

*Be It Further Resolved*, that the United States enter into negotiations with Mexico in order to prevent the unreasonable slaughter in Mexico of ducks raised in Canada, and in North Dakota and other states of the United States; and

*Be It Further Resolved*, that copies of this resolution be forwarded by the secretary of state to the North Dakota state game and fish commissioner, the North Dakota delegation in Congress, and the director of the United States Fish and Wildlife Service of the Department of the Interior at Washington, D.C.

Filed March 12, 1963.

SENATE CONCURRENT RESOLUTION "I"  
(Roen, Trenbeath, Redlin)

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WATER PROJECT COSTS

A concurrent resolution relating to the provision of assurances to the government of the United States of the payment of non-federal costs by the state and its political subdivisions in federally approved water projects.

WHEREAS, the Federal Water Supply Act of 1958 authorizes the inclusion of water supply storage in reservoirs constructed by the Corps of Engineers and the Bureau of Reclamation for present or anticipated future demand or need for municipal or industrial water, provided the Federal Government is reasonably assured by the states, political subdivisions, or local interests that the water will be needed and that the non-federal financial obligation for the water supply features will be fulfilled; and

WHEREAS, the state of North Dakota through the state water conservation commission is authorized to participate in works for the conservation, development, distribution, and utilization of its water resources; and

WHEREAS, affected local interests have requested and the state water conservation commission has recommended the inclusion of not less than 2,900 acre-feet of water supply storage in the Bowman-Haley Reservoir on the North Fork of the Grand River in North Dakota;

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

That in view of the ever-increasing demand and anticipated future need for water the Legislature hereby declares as its policy that conservation and storage of water supplies should be provided wherever and whenever feasible and practicable, and that it concurs in the request of local interests and the recommendation of the state water conservation commission for inclusion of the maximum water supply storage in the Bowman-Haley Reservoir project; and

*Be It Further Resolved*, that the Legislature recognizes the non-federal repayment obligations required in connection with providing water supply features in federally financed projects and hereby directs the state water conservation commission to make and supply such assurances relative thereto as may be required by and satisfactory to the chief of engineers.

*Be It Further Resolved*, that the secretary of state is directed to transmit a copy of this resolution to the Chief of Engineers of the United States Army Corps of Engineers, each member of the North Dakota congressional delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairmen of the United States Senate and House Appropriations Committees, and the governor of North Dakota.

Filed March 12, 1963.

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SENATE CONCURRENT RESOLUTION "K"

(Redlin, Trenbeath, Kautzmann, Wartner, Kisse, Erickson, Becker)  
(Roen, Thompson, Mahoney, Torgerson, Meidinger, Beck)

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GARRISON DIVERSION CONSTRUCTION

A concurrent resolution memorializing the Congress to promptly review and approve modifying provisions in connection with the construction of the Garrison Diversion Unit thereof.

WHEREAS, construction of the Garrison and Oahe dams on the Missouri River has resulted in the loss of more than one-half million acres of good agricultural lands in North Dakota for reservoir purposes which loss can, to a considerable degree, be mitigated through the development of irrigation as proposed under the multiple purpose Garrison Diversion Unit; and

WHEREAS, such irrigation development in North Dakota, which was authorized by Congress as a part of the Missouri River Basin Project in the Flood Control Act of 1944 and originally designated as the Missouri-Souris Unit, has been modified and redesignated as the Garrison Diversion Unit as a result of studies of the Bureau of Reclamation as set forth in the report of the Secretary of the Interior contained in House Document 325, 86th Congress and subsequently revised and updated by the Bureau of Reclamation report of November 1962; and

WHEREAS, exhaustive studies and investigations by the Bureau of Reclamation have determined the Garrison Diversion Unit to be an engineeringly sound and economically feasible water resources project that will bring many benefits to the state of North Dakota, the region and the nation through the balanced and stabilized economy that will develop in the project area; and

WHEREAS, S. 178 and H.R. 1003 and 1013 that would modify and confirm the authorization of the Garrison Diversion Unit have been introduced in the current session of Congress by the members thereof from North Dakota;

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

That the Thirty-eighth Legislative Assembly of the state of North Dakota, most respectfully and sincerely petitions and urges the Congress of the United States to promptly consider and take favorable action on S. 178, H.R. 1003 and H.R. 1013 to the end that enactment thereof will be accomplished this year; and

*Be It Further Resolved*, that the secretary of state is hereby directed to forward copies of this resolution to the chairman of the Senate and House Committees on Interior and Insular Affairs, the members of the North Dakota and South Dakota congressional delegations, the Secretary of the Interior and the Commissioner of the Bureau of Reclamation.

Filed March 12, 1963.

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SENATE CONCURRENT RESOLUTION "R"

(Meidinger, Nelson, Trenbeath, Kee)

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PIPESTEM CREEK, A TRIBUTARY OF JAMES RIVER,  
NORTH DAKOTA

A concurrent resolution favoring early development of the Pipestem Creek, near Jamestown, North Dakota, and urging the U. S. Army Corps of Engineers to expedite completion of its investigations, and develop a favorable report, thereon.

WHEREAS, increased public demand for more and improved water management requires the optimum development of our precious water resources for controlling floods, providing water supplies for municipal, industrial, agricultural, recreational, fish and wildlife and other purposes; and

WHEREAS, the Pipestem Creek—the major tributary of the James River in North Dakota—contributes up to 45 percent of the water during flooding of the James River below their confluence, offers an excellent opportunity for multiple-purpose use if properly developed and it will thereby enhance instead of impair property values in affected urban and rural areas; and

WHEREAS, further surveys and investigations for construction of a proposed dam and reservoir thereon, about 5 miles upstream from Jamestown, are continuing under the direction of the U.S. Army Corps of Engineers in cooperation with other agencies;

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

That the Thirty-eighth Legislative Assembly of the state of North Dakota does hereby express its keen interest in, and endorsement of, the proposed development on the Pipestem Creek for the many beneficial purposes aforesaid, and urges the U.S. Army Corps of Engineers to complete its work as expeditiously as possible in the hope that a favorable report thereon can be developed and authorizing legislation enacted in the near future; and

*Be It Further Resolved*, that the secretary of state transmit copies hereof to the Chief of Engineers, the Riverdale Area Office of Corps of Engineers, the President of the U.S. Senate and Speaker of U.S. House of Representatives, and the North Dakota congressional delegation.

Filed March 12, 1963.

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SENATE CONCURRENT RESOLUTION "S"

(Forkner, by request)

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STATE AGENCY PRINTING WORK

A concurrent resolution urging the board of higher education, board of administration, and industrial commission to study and review printing operations of state institutions and industries.

WHEREAS, many state institutions and industries are presently engaged in the printing of large quantities of material; and

WHEREAS, individuals engaged in the private printing industry throughout the state have expressed strong opposition to the printing practices of such state institutions and industries; and

WHEREAS, such situation has resulted in ill-feeling between the private printing industry and state institutions and industries;

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

That the board of higher education, board of administration, and the industrial commission of the state of North Dakota study and review printing operations at institutions and industries under their control with a view toward limiting such

printing, where economically feasible, to vocational training or to those items that are absolutely required by their operations and cannot be done by the private printing industry without substantial injury to their operations.

Filed March 6, 1963.

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SENATE CONCURRENT RESOLUTION "U"

(Sorlie)

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GRAND FORKS AIR FORCE BASE NAME

A concurrent resolution urging the Congress of the United States, the Department of Defense, and the Secretary of the Air Force to designate the Grand Forks Air Force Base as "Lerom Air Force Base" in memory of the late Brigadier General John I. Lerom.

WHEREAS, Brigadier General John I. Lerom was a native of the state of North Dakota, spending his youth and obtaining his education in the schools of the state and graduating from the University of North Dakota; and

WHEREAS, Brigadier General John I. Lerom left the state of North Dakota to serve his country in the year 1940, thus commencing a career of some twenty-two years in the field of aviation, including distinguished service in both the European and Pacific theaters during World War II and continued service in the Air Force Reserve, as well as service in several civilian capacities all essentially related to the advancement of the science of aviation and space; and

WHEREAS, Almighty God has seen fit to take the life of Brigadier General John I. Lerom in an airplane crash while on a training flight as a member of the Air Force Reserve on November 10, 1962; and

WHEREAS, House Resolution 390 has recently been introduced in the Congress of the United States, calling for the naming of the Grand Forks Air Force Base in honor of the late Brigadier General John I. Lerom;

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

That the Congress of the United States, the Department of Defense, and the Secretary of the Air Force are hereby urged to give consideration to the adoption of House Resolution 390 calling for the designation of the Air Force Base at Grand Forks, North Dakota, as Lerom Air Force Base, in honor of the late John I. Lerom, Brigadier General, United States Air Force Reserve.



*Be It Further Resolved*, that copies of this resolution be forwarded to the Secretary of Defense, the Secretary of the Air Force, the chairmen of the respective United States Senate and House Armed Services Committees, and to each member of the North Dakota congressional delegation.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "V"

(Longmire, Forkner, Erickson, Baeverstad, Meidinger, Mutch)  
(Roen, Harris, Holand)

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DISTRIBUTION OF PRINTING CONTRACTS

A concurrent resolution relating to public printing.

WHEREAS, under the provisions of section 46-02-09 of the North Dakota Century Code each department or office of the state selects the printing company or printing shop for all its printing work except in the case of legislative bills, journals, documents, laws, and the publicity pamphlets, contracts for which are let by public bids; and

WHEREAS, since there is no central agency with authority to apportion such printing work among the various printing companies and shops of the state, it appears that some printing companies or shops may receive an unusually high number of printing contracts; and

WHEREAS, since all printing companies contribute toward the costs of state and local government through taxes paid, it is proper that each state agency make efforts to apportion its printing work among all of the printing companies within the state where work of the necessary quality can be completed within the time requirements and where the printing costs to the state are not increased thereby;

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

That all state departments and agencies are directed to make all reasonable efforts to fairly apportion their sixth class printing work among all of the printing companies of the state in all instances where such work can be done within the time limits involved and without increasing the cost of printing to the state.

Filed March 6, 1963.

## SENATE CONCURRENT RESOLUTION "W"

(Morgan, Baker, Sorlie, Luick)  

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## PAYMENTS ON FEDERALLY ACQUIRED LAND

A concurrent resolution urging the United States Congress to provide for the payment of the bonded indebtedness and the special assessments of any property which the federal government acquires by condemnation.

WHEREAS, when either the federal government or the state of North Dakota or any of its political subdivisions, exercises the power of eminent domain the bonded indebtedness and special assessments of the condemned property are assumed by the remaining property within the political subdivisions of which such condemned property is a part; and

WHEREAS, this imposes an inequitable and often-times burdensome financial obligation upon the remaining property; and

WHEREAS, North Dakota's Thirty-eighth Legislative Assembly is presently considering legislation which would require the state agencies condemning property to pay the proportionate share of the bonded indebtedness and special assessments of any property acquired by condemnation;

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

That the Thirty-eighth Legislative Assembly hereby respectfully urges and requests the Congress of the United States to enact legislation whereby the United States government would pay the proportionate share of the bonded indebtedness and special assessments of any property which it acquires pursuant to its powers of eminent domain; and

*Be It Further Resolved*, that the secretary of state is hereby directed to forward copies of this resolution to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to each member of the North Dakota congressional delegation.

Filed March 12, 1963.

SENATE CONCURRENT RESOLUTION "X"  
(Legislative Research Committee)

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MAJOR GENERAL HEBER L. EDWARDS

A concurrent memorial resolution in memory of Major General Heber L. Edwards.

WHEREAS, Almighty God in His infinite wisdom has called from our midst an outstanding citizen of this State, Major General Heber L. Edwards, the Adjutant General of the state of North Dakota; and

WHEREAS, General Heber L. Edwards has served his country and state as a member of the North Dakota National Guard continuously since December 1, 1915, a period of over forty-seven years, and has served as the Adjutant General of the state of North Dakota for the unprecedented period of twenty-six years, serving under six governors, and personally serving on federal active duty both in the United States and overseas in all our nation's wars and national emergencies beginning with the Mexican Border Incident of 1916, World War I, World War II, the Korean Emergency, and the Berlin Crisis; and

WHEREAS, his contribution to the national defense effort as state director of the Selective Service System since 1940 and as a member and officer of many national committees in regard to the National Guard of the United States has resulted in personal recognition far beyond the boundaries of this state; and

WHEREAS, the outstanding combat record of the North Dakota National Guard and its continual high state of readiness to serve the state and nation in any emergency can be attributed in a large measure to the ability, leadership, and diligence of General Heber L. Edwards; and

WHEREAS, General Heber L. Edwards maintained an esprit de corps among the officers and men of the North Dakota National Guard that is seldom equaled in any military or civilian organization, and received in return an unaffected loyalty and true devotion from those serving under him that few men are privileged to receive; and

WHEREAS, his keen understanding of history and the fundamental principles of our form of state and national government resulted in a respect for, and appreciation of, the role of the legislative branch of government that was evident to all members and in a sense of affection for members of the Legislative Assembly, both individually and collectively, that has been evidenced by innumerable acts of assistance and courtesy; and

WHEREAS, this respect and affection has been returned without reservation by the Legislative Assembly and its individual members;

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

That the Thirty-eighth Legislative Assembly of the state of North Dakota expresses its keen and personal sorrow over the passing of Major General Heber L. Edwards, and on behalf of the citizens of the state expresses its deepest appreciation for the outstanding contributions made to this state and nation by Major General Heber L. Edwards; and

*Be It Further Resolved*, that properly enrolled copies of this resolution be forwarded by the secretary of state to his widow, Mrs. Louise Edwards, and to his daughters, Mrs. Rig Olson and Mrs. F. W. Greenagel.

Filed March 14, 1963.

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#### SENATE CONCURRENT RESOLUTION "Y"

(Solberg, by request)

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#### DESIGNATION OF GARRISON RESERVOIR

A concurrent resolution requesting Congress to designate the impoundment created by Garrison Dam as Lake Sakakawea.

WHEREAS, there is statewide support for designating and naming the impoundment created by the Garrison Dam on the Missouri River in North Dakota by a more historical, romantic, or meaningful name than Garrison Reservoir;

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

That the Congress of the United States be, and it hereby is, most respectfully petitioned and requested to designate and name the impoundment, known as Garrison Reservoir, located above the Garrison Dam on the Missouri River in North Dakota as Lake Sakakawea; and

*Be It Further Resolved*, that the North Dakota delegation in Congress is earnestly requested to seek enactment of legislation which will give effect to this proposal; and

*Be It Further Resolved*, that the secretary of state transmit copies of this resolution to the President of the U.S. Senate, Speaker of the U.S. House of Representatives, Chief of En-

gineers, U.S. Army Corps of Engineers, and the members of the North Dakota congressional delegation.

Filed March 18, 1963.

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SENATE CONCURRENT RESOLUTION "C-C"

(Brooks, Meidinger, Redlin, Sinner, Thompson, Solberg, Kee)  
(Roen, Berube, Van Horn, Mahoney)

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LRC STUDY OF TRANSPORTATION LAWS

A concurrent resolution directing the legislative research committee to study North Dakota's transportation laws.

WHEREAS, it is generally agreed by representatives of the railway industry, the motor carrier industry, the shippers employing common carrier service, the North Dakota public service commission, and the North Dakota economic development commission that North Dakota's transportation laws are in need of revision; and

WHEREAS, such laws necessarily affect, either directly or indirectly, the economy and welfare of every North Dakota resident;

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

That the legislative research committee is hereby directed to study all North Dakota laws affecting the transportation of persons and property and to report its findings and recommendations to the Thirty-ninth Legislative Assembly, together with any legislation necessary to carry out such recommendations; and

*Be It Further Resolved*, that the legislative research committee is authorized to call upon the public service commission, the economic development commission, and any office, agency, or department of this state, or any of its political subdivisions, for such aid and assistance as it deems necessary to carry out such study and to employ such other technical and clerical personnel as may be necessary.

Filed March 15, 1963.

## SENATE CONCURRENT RESOLUTION "E-E"

(Longmire, Brooks, Meidinger)  

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## ARRANGEMENTS FOR 1965 NEWSMEN'S DAY

A concurrent resolution in regard to arrangements for a "Newsmen's Day" during the 1965 session of the legislative assembly and urging the North Dakota Association of Broadcasters to join in such arrangements.

WHEREAS, in order to make proper arrangements for "Newsmen's Day" during the 1965 session of the legislative assembly and especially in regard to making firm advance commitments for an outstanding speaker, it is highly desirable that some body be authorized by the legislative assembly to confer with the North Dakota Press Association and Sigma Delta Chi in regard to arrangements; and

WHEREAS, the secretary of state, as the only functioning agency of the legislative assembly during the interim between sessions, could perform this function;

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

That the secretary of state is hereby authorized to confer with representatives of the North Dakota Press Association and Sigma Delta Chi in regard to arrangements for "Newsmen's Day" during the Thirty-ninth Legislative Assembly; and

*Be It Further Resolved*, that the North Dakota Association of Broadcasters are urged to join in such conferences, if acceptable to the association, for the purpose of planning a joint "Newsmen's Day" to recognize and honor all news media in a single joint program.

Filed March 13, 1963.

## SENATE CONCURRENT RESOLUTION "F-F"

(Mahoney)

## LRC STUDY OF OUTDOOR RECREATION

A concurrent resolution directing the legislative research committee to study the outdoor recreation program within the state with a view toward its future development.

WHEREAS, the orderly development and improvement of the outdoor recreational program and facilities of the state are essential in order to secure the maximum benefits from such programs and facilities both for the citizens of our state and in order to promote tourism for the economic betterment of our state; and

WHEREAS, a number of state departments and agencies, as well as numerous municipalities within the state, are properly interested in the development and improvement of such programs and facilities; and

WHEREAS, any program for orderly development requires a close study of the interest and efforts of the various departments, agencies, and municipalities involved;

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

That the legislative research committee is hereby directed to conduct a study of the outdoor recreational program in the state of North Dakota, with particular emphasis upon the proper role of each department and agency and municipalities in general; the formation of long-term objectives of such program and the most desirable means of achieving such objectives; methods of obtaining maximum cooperation between various governmental agencies in the joint development and utilization of facilities, and development of policies in such areas as leasing of property and payments in lieu of taxes for land taken, and to report its findings and recommendations to the Thirty-ninth Legislative Assembly together with any legislation necessary to carry out such recommendations;

*Be It Further Resolved*, that the legislative research committee shall be authorized to call upon any department or agency of the state, including but not limited to the game and fish department, historical society, highway department, water commission, and any outdoor recreation agency which may be created by act of the legislative assembly.

Filed March 18, 1963.

SENATE CONCURRENT RESOLUTION "I-I"  
(Morgan)

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DAM ON LOWER SHEYENNE RIVER

A concurrent resolution urging the Corps of Engineers to survey, investigate, and study all possible sites for the proposed dam or dams on lower Sheyenne River.

WHEREAS, construction of the proposed dam on the lower Sheyenne River near Kindred, North Dakota, would threaten inundation of thousands of acres of the most valuable and highly improved agricultural land and tree-planted areas in the state; and

WHEREAS, the river flow above such structure would soon build up to a level which would flood and completely inundate the last resting place in a nearby rural cemetery of the intrepid pioneers who settled the region and through whose sweat and toil were wrested from a harsh nature moderately comfortable homes for their families and descendants; and

WHEREAS, the breaking up and severance of farms and homes and the dislocation of families would cause irreparable damage to landowners and subject affected family groups to great inconvenience and in many instances much hardship; and

WHEREAS, there are many suitable sites farther up stream from the proposed location near Kindred which offer as good or better places for the proposed structure or structures;

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

That the U.S. Army Corps of Engineers be and it hereby is requested and urged to survey, investigate, and study all possible sites and a combination of two or more sites in the lower reaches of the Sheyenne River which offer suitable locations for one or more dams required to provide the improvements and benefits sought for the affected areas; and

*Be It Further Resolved*, that the secretary of state is directed to transmit a copy hereof to the chief of engineers of the U.S. Army Corps of Engineers, District Engineer, Corps of Engineers, St. Paul, Minnesota, the governor, the state engineer, and to each member of the North Dakota congressional delegation.

Filed March 15, 1963.



## SENATE CONCURRENT RESOLUTION "J-J"

(Morgan, Solberg)

## JURISDICTION OVER FEDERAL LANDS

A concurrent resolution urging the federal government to place certain federally controlled lands and resources within the state under the jurisdiction of the state.

WHEREAS, the federal government by virtue of its power of condemnation has or shall acquire 1,261,889 acres of North Dakota land for reservoir, recreation, and fish and wildlife purposes; and

WHEREAS, the federal government has imposed restrictive measures in the form of policies, programs, and land use, beyond those originally contemplated, on the use of such lands; and

WHEREAS, the federal government, acting through its many offices and agencies, will continue to expand its control over such lands and resources; and

WHEREAS, many of the policies and programs enforced by the federal government are inspired by segments of the population whose interests are diverse and can be detrimental to the economic and political structure of North Dakota and its people; and

WHEREAS, undue hardship has occurred to a majority of the farming and ranching units because of the use of the sealed bid method of leasing rather than the open competitive bidding method as used by the state land department;

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

That upon the leasing or sale as excess of lands acquired by the federal government, the former owner be granted the right to lease such lands or, in the event of sale, to purchase at the price which the government paid for such lands; and

*Be It Further Resolved*, that such lands as are acquired by the Corps of Engineers and the Bureau of Fish and Wildlife and Wetlands shall, when not required for use in direct connection with reservoir or wildlife operations, be under the jurisdiction of a state agency designated by the state legislature to control such lands for leasing purposes; and

*Be It Further Resolved*, that the agencies of the federal government shall obtain state concurrence through the office of the governor, prior to its acquisition and control of any North Dakota lands or resources; and

*Be It Further Resolved*, that the secretary of state is hereby directed to forward copies of this resolution to the Secretary of the Interior and the members of the North Dakota congressional delegation.

Filed March 18, 1963.

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SENATE CONCURRENT RESOLUTION "K-K"

(Robinson)

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ETHYL ALCOHOL PLANT

A concurrent resolution calling upon Congress to authorize and direct the U. S. Department of Agriculture to invest crop research funds in the construction of a pilot industrial ethyl alcohol plant in North Dakota, and directing the economic development commission and North Dakota wheat commission to direct efforts toward the accomplishment of such construction and promotion of the use of the products thereof.

WHEREAS, the basic economy of the state of North Dakota has been and will continue to be bound to the production of agricultural products, with the future prosperity of the state dependent upon the availability of a cash market for these products; and

WHEREAS, the 730,000 head of horses present in North Dakota in the 1920's with the resultant consumption of 50 million bushels of oats per year, have today given way to some 400,000 cars, trucks and tractors which consume 280 million gallons of fuel each year; and

WHEREAS, the fuel used by present-day agriculture to power modern-day implements is derived from a nonrenewable resource, while renewable agricultural resources can be used for the production of ethyl alcohol for agricultural, industrial, and automotive fuel use to the extent that a tremendous market for our farm crops could be created; and

WHEREAS, at present ten percent of North Dakota's cropland is out of production, with further acre reductions foreseeable in the future, which land, if returned to production would create an increased fuel demand that would more than offset any decline in fuel consumption due to the use of a ten percent ethyl alcohol blend; and

WHEREAS, research and application have proven that industrial ethyl alcohol can be successfully manufactured from farm products containing sugar or starch such as wheat, barley, oats, corn, potatoes, and sugar beets, with from two to three gallons of ethyl alcohol obtainable from every bushel of grain, in addition to valuable by-products such as protein and carbon dioxide; and

WHEREAS, ethyl alcohol is acknowledged to be one of the most versatile and valuable chemicals known to man and has proven to be a valuable and practical fuel when blended with gasoline in amounts up to thirty percent and is easily adaptable to storage, in marked contrast with huge stocks of the grain from which it is derived; and

WHEREAS, the conversion of abundant grains into industrial ethyl alcohol would be of great benefit to the state of North Dakota through expansion of our farm cash markets, as well as increasing job opportunities and transportation services and providing a broadened tax base for our state and local governments;

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

That the Congress of the United States is hereby urged to authorize and direct the U.S. Department of Agriculture to invest crop research funds in the construction of a pilot plant which will lead to the operation of a modern industrial ethyl alcohol plant in North Dakota for the purpose of converting agricultural crops into industrial ethyl alcohol, and that upon the commencement of operation of such plant, the Congress and the U.S. Department of Agriculture are hereby urged to restore crop acreage allotments within the state of North Dakota in an amount equal to the amount of agricultural crop production consumed in such plant;

*Be It Further Resolved*, that the North Dakota economic development commission and North Dakota wheat commission are hereby directed to take all steps necessary to encourage the construction of such plant in North Dakota, and to explore and develop ways and means of promoting and encouraging the use of a ten percent blend of industrial ethyl alcohol in gasoline and other fuels; and

*Be It Further Resolved*, that copies of this resolution be forwarded to the chairmen of the United States Senate and House Agriculture Committees, to the Secretary of Agriculture, Rural Area Development Committees, and to each member of the North Dakota congressional delegation.

Filed March 18, 1963.

## SENATE CONCURRENT RESOLUTION "N-N"

(Trenbeath, Kisse)

## REHABILITATION OF STRIP MINE LANDS

A concurrent resolution directing the state geological survey to study methods of rehabilitating lands disrupted by strip coal mining operations.

WHEREAS, the amount of coal taken from strip mines within the state during past years has been quite substantial; and

WHEREAS, development of the industries of the state, particularly the industry of electrical energy production, will call for increased strip coal mining operations in the future; and

WHEREAS, strip mining operations involve the removal of large quantities of earth and other materials in order that coal veins may be exposed and removed; and

WHEREAS, the failure to properly rehabilitate lands disturbed by strip mining operations can result in leaving a topography which may be unsanitary, unsafe, and unsightly, as well as being an economic waste to the state through the inability to subsequently utilize the land for any beneficial purpose;

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

That the state geological survey is hereby directed to study the problem of the leveling and rehabilitation of lands disturbed by strip coal mining operations, with a view both toward what action has been taken to rehabilitate such lands in the past and what may be done in the future to assure the maximum utilization of such lands by the owners thereof and by the state, and to make such recommendations as may be necessary to the Thirty-ninth Legislative Assembly; and

*Be It Further Resolved*, that the geological survey shall be authorized to secure the assistance of any state department, agency, board or commission, or the employees thereof, including, but not limited to the state forester, soil and water conservation commissions, coal mine inspector, and game and fish department, as well as private coal mine operators and any agencies and departments of the federal government.

Filed March 15, 1963.

## SENATE CONCURRENT RESOLUTION "P-P"

(Reichert, Harris, Solberg, Longmire, Wartner, Torgerson)  
(Mahoney)

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## LRC STUDY OF CONSTITUTIONAL REVISION

A concurrent resolution directing the legislative research committee, with the assistance of outstanding citizens of the state, to conduct a study of the Constitution of the state of North Dakota, and to make its recommendations in regard to the revision thereof, to the Thirty-ninth Legislative Assembly.

WHEREAS, the basic Constitution of the state of North Dakota was adopted in the year 1889; and

WHEREAS, in spite of numerous amendments since that time, the basic Constitution remains mainly unchanged; and

WHEREAS, many of the ideas of the late 1800's which found their way into the Constitution have, in later state constitutions, been discarded as not the most desirable in light of modern conditions; and

WHEREAS, our present Constitution is quite lengthy and detailed when compared with more recently adopted constitutions or with the United States Constitution; and

WHEREAS, constitutions, while not designed to have the flexibility of laws, should be examined periodically with a view toward their adequacy in light of changing conditions;

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

That the legislative research committee is hereby directed to conduct a study for the purpose of proposing revisions of the Constitution of the state of North Dakota. The committee may appoint such subcommittees as it may deem necessary for the purpose of studying and proposing revisions of various areas of the Constitution. The committee shall call upon citizens of the state who have distinguished themselves by service in and knowledge of fields of endeavor especially qualifying them to assist in the study. Citizens thus appointed shall participate fully in the conduct of the study and all subcommittee meetings but shall possess no vote in any final matter or recommendation to be decided by the committee or its subcommittees. Citizen members may be compensated at the same rates as are legislative members for their time spent on the business of the committee, and may be reimbursed for actual and necessary expenses at the same rates as are legislative

members. The committee and its subcommittees shall hold such hearings throughout the state as may be necessary to enable it to ascertain the views of all interested citizens, and may contract for the employment of specialized personnel in such areas as may be deemed desirable. The committee shall submit its recommendations on the revision of the Constitution, or such portions thereof as shall have been completed, to the Thirty-ninth Legislative Assembly, together with such legislation and resolutions as may be required to carry out such recommendations.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "Q-Q"  
(Mutch)

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LRC STUDY OF COUNTY REORGANIZATION LAWS

A concurrent resolution directing the legislative research committee to conduct a study of the laws governing the division, consolidation, and disorganization of counties.

WHEREAS, the laws of the state of North Dakota relating to the division, consolidation, and disorganization of counties have, to a large extent remained unchanged since their adoption; and

WHEREAS, population shifts plus the greatly increasing costs of operating county governments over recent years have made it quite likely that the residents of some of our counties may wish to avail themselves of our laws in the field of division, consolidation, and disorganization of counties; and

WHEREAS, the policy of the state, as expressed through its laws, should be to facilitate action by the people of any county in this field when a majority of the voters there feel that continued existence of any county represents an excessive economic burden;

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

That the legislative research committee is hereby directed to conduct a study of present laws governing the division, consolidation, and disorganization of counties in order to ascertain their adequacy in view of present-day conditions as they affect the residents of any such county, and to make its report and recommendations thereon to the Thirty-ninth Legislative Assembly, together with any legislation required to carry out such recommendations.

Filed March 15, 1963.

## SENATE CONCURRENT RESOLUTION "R-R"

(Wartner, Reichert)

## PRAYER IN PUBLIC SCHOOLS

A concurrent resolution to memorialize the Congress of the United States to immediately take the necessary steps to give to the citizens of this Nation an opportunity by constitutional amendment to determine whether or not prayer shall be permitted in the public schools.

WHEREAS, no civilization, no government, and no Nation has ever existed, nor could they be possible, without a fundamental and profound recognition of and reverence for some authority, some ideal, some being, superior to the individual, which in our national heritage we have expressed as a belief in and dependence upon Almighty God; and

WHEREAS, our national tradition and heritage of public and civic prayer give purpose and meaning to our Union as a Nation, without which we could only suffer the anarchy or tyranny of the oppressed peoples in less enlightened parts of the world; and

WHEREAS, education may be a worthless thing if limited to merely the dissemination of factual information without the expression and understanding of ideas, ideals, theories, customs, and beliefs of other men, whether designated as being of a religious nature or by some other appellation; and

WHEREAS, none of the constitutional safeguards of individual rights and civil liberties of the citizens of these United States were designed or intended to prohibit prayer in the schools or in any other public place, so long as no citizen is coerced into a participation therein inconsistent with his own beliefs; and

WHEREAS, the Supreme Court of the United States has had occasion, upon June 25, 1962, in its decision rendered in the case of *Engel, et al. v. Vitale, et al.*, No. 468 upon the docket of its 1961 October term, to so construe our Constitution as to prohibit public prayer in public schools;

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

That the Congress of the United States is hereby memorialized to immediately take the necessary steps to provide the citizens of this great Nation an opportunity to amend the United States Constitution to determine whether or not public prayer shall be permitted in the public schools of the several states;

*Be It Further Resolved*, that the secretary of state shall forward copies of this resolution to 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 March 12, 1963.

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SENATE CONCURRENT RESOLUTION "U-U"

(Holand, Longmire, Foss)

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HIGHWAY DEPARTMENT BUDGETS

A concurrent resolution directing the state highway department to submit budgets for its operations to the Thirty-ninth Legislative Assembly.

WHEREAS, it is the duty of the legislative assembly, through the enactment of laws and the approval of appropriations, to provide for and supervise the activities and programs of agencies of the executive branch of government; and

WHEREAS, section 186 of the Constitution of North Dakota, as confirmed by recent Supreme Court cases, prohibits the disbursement of public funds without a prior appropriation by the legislative assembly; and

WHEREAS, through laws of questionable constitutionality the legislative assembly has authorized the expenditure of public funds by the state highway department without the necessity of prior legislative approval and appropriation, which delegation of legislative authority is clearly contrary to the spirit of section 186 of the Constitution of North Dakota and possibly a violation of the letter of such section; and

WHEREAS, the state highway department spends a greater amount of public funds than any other state agency, totaling between seventy and eighty millions of dollars during the usual biennial highway program; and

WHEREAS, the legislative assembly should perform its constitutional duty of biennially reviewing the operations of the state highway department and specifically appropriate and approve the expenditure of funds by the state highway department for all purposes except those expended by contract for the actual construction of highways, roads, streets, and bridges;

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



That the state highway commissioner is hereby directed and required to submit to the state budget board in the same manner and at the same time as other state agencies a complete proposed budget and request for appropriations for expenditures to be made during the biennium beginning July 1, 1965, and thereafter in a similar manner for all subsequent bienniums. Such budget shall be in such detail as the state budget board shall require. The budget and appropriation request approved by the state budget board for the state highway department shall be submitted to the Thirty-ninth Legislative Assembly in the same manner as other budgets and appropriation requests are submitted. The Thirty-ninth Legislative Assembly is further requested to amend all laws in regard to the state highway department to delete all provisions for the expenditure of funds by the state highway department for the purposes herein specified without specific biennial appropriation and approval by the legislative assembly.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "V-V"

(Holand, Redlin, Becker, Mutch)

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LRC STUDY OF TAX LAWS

A concurrent resolution directing the legislative research committee, with the aid and cooperation of the state tax department, to continue its study of the state tax laws and tax structures.

WHEREAS, the legislative research committee did not have sufficient time during the past biennium to complete its study of North Dakota's tax laws and tax structure; and

WHEREAS, numerous inequities still exist which affect each resident and the economic development and growth of the state as a whole; and

WHEREAS, further study of North Dakota's tax laws and policies, and their administration, can increase tax collections of the state through improvements in such laws, policies, and tax administration;

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

That the legislative research committee is directed to continue on a permanent basis, with the aid and cooperation of the state tax department, the study of the tax laws and tax struc-

ture that was undertaken during the 1959-1961 biennium and continued during the 1961-1963 biennium, and to report the results of such study and submit its recommendations, together with any legislation necessary to carry out such recommendations, to the Thirty-ninth Legislative Assembly; and

*Be It Further Resolved*, that the legislative research committee is authorized to call upon any office, department, or agency of the state or of any of its political subdivisions, for such information, aid, and assistance as may be necessary to carry out the tax study, and to employ such other technical and clerical personnel as may be necessary.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "W-W"

(Holand, Redlin)

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COMMENDATION TO STATE MEDICAL ASSOCIATION

A concurrent resolution commending the North Dakota State Medical Association and several of its individual members for the excellent work done in establishing and staffing the emergency first aid station in the state capitol building, Bismarck, North Dakota, during the Thirty-eighth Legislative Assembly.

WHEREAS, the State Medical Association provided, without charge, an emergency first aid station for the members and employees of the Thirty-eighth Legislative Assembly as well as members of the news media, lobbyists and visitors; and

WHEREAS, individual members of the State Medical Association were in daily attendance at the state capitol building; and

WHEREAS, these individual physicians were ever ready to provide service;

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

That we commend the North Dakota State Medical Association for providing emergency first aid care for all who required it during the Thirty-eighth Legislative Assembly; and

*Be It Further Resolved*, that the secretary of the senate be instructed to send a copy of this resolution to Mr. Lyle A. Limond, executive secretary of the North Dakota State Medical Association.

Filed February 28, 1963.

## SENATE CONCURRENT RESOLUTION "X-X"

(Holand, Redlin, Sinner, Mahoney, Thompson, Bopp, Solberg)  
(Van Horn, Becker, Wartner, Kjos, Kisse, Chesrown, Kautzmann)  
(Sanford, Roen, Berube, Reichert, Tuff, Witteman, Kamrath)  
(Trenbeath, Forkner, Baeverstad, Ringsak, Nelson, Mutch, Harris)  
(Lips, Erickson, Wadeson, Beck, Strinden, Saumur, Torgerson)  
(Longmire, Sorlie, Miller, Kee)

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## LRC STUDY OF LEGISLATIVE RULES

A concurrent resolution directing the legislative research committee to study and prepare necessary rules changes for the purpose of placing every member of the legislative assembly on an appropriations subcommittee.

WHEREAS, the function of determining how much money should be spent by the state, and for what purposes, is the most important problem facing the legislative assembly today; and

WHEREAS, each house is, to a degree, compelled to rely upon the judgment of its appropriations committee due to a lack of other sources of information; and

WHEREAS, the time available for hearing and deciding the merits of proposed budgets and appropriations is clearly inadequate for reaching well-considered decisions; and

WHEREAS, in view of the expanding range of state functions with the resulting increase in state expenditures, it appears essential that the legislative assembly have more time for a closer examination of appropriation requests;

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

That the legislative research committee is hereby directed to study and prepare for submission to the Thirty-ninth Legislative Assembly proposed changes in the rules of the senate and the house of representatives which would place every member of the senate and house upon a subcommittee of the appropriations committee of his respective body, for the purpose of giving, during the early portion of the session, a more careful scrutiny of each request for appropriations, and making recommendations to the appropriations committees to guide such committees in their deliberations on state appropriations.

Filed March 15, 1963.

SENATE CONCURRENT RESOLUTION "Z-Z"  
(Committee on Delayed Bills)

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PRINTING BY STATE AGENCIES

A concurrent resolution urging all agencies of the state to refrain from purchasing offset type reproduction or printing equipment.

WHEREAS, several state departments and agencies have purchased and are presently using offset type reproduction or printing equipment for the reproduction or printing of material used or distributed by them, and other departments have expressed interest in the acquisition of such equipment; and

WHEREAS, individuals engaged in the private business of printing have expressed opposition to the acquisition or use of such offset reproduction or printing equipment by departments and agencies of the state and have urged that material be reproduced or printed by contract with private businesses;

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

That in the interest of economy in state government all agencies not presently possessing such equipment are urged and directed to refrain from purchasing offset type reproduction or printing equipment; and

*Be It Further Resolved*, that to the maximum extent practical and economically feasible, each department and agency of the state is urged to fill its printing requirements through contracts with private printing businesses of the state.

Filed March 15, 1963.

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SENATE CONCURRENT RESOLUTION "A-A-A"  
(Delayed Bills Committee)  
(Wartner)

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LOANS ON IRRIGATED LANDS

A concurrent resolution urging the board of university and school lands to invest funds under its control in loans upon irrigated farm lands within the state.

WHEREAS, the undeveloped potential of irrigable lands within the state appears great, with some 50,000 acres being available in the vicinity of North Dakota rivers alone; and

WHEREAS, there exists a demonstrated need for capital for the purpose of developing such irrigable lands to their productive capacity; and

WHEREAS, the board of university and school lands has large sums of money invested in United States government obligations which are reaching maturity from time to time; and

WHEREAS, these moneys or a portion thereof could represent a major means of financing the development of irrigation;

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

That the board of university and school lands is hereby urged to divert a portion of the moneys presently invested in United States government obligations by investing such moneys, as the obligations mature, in first mortgages upon irrigated farm lands within the state in amounts of up to fifty percent of the improved value of such lands in order to provide valuable assistance to the development of irrigation within the state, and that plans and programs for such assistance be developed in conjunction with state and local soil conservation officials.

Filed March 18, 1963.

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#### SENATE CONCURRENT RESOLUTION "B-B-B"

(Delayed Bills Committee)  
(Morgan, Wartner)

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#### GRAIN INSPECTION POINTS

A concurrent resolution urging the Interstate Commerce Commission, the Great Northern Railroad, and the Soo Line Railroad to establish and designate official inspection points for the grading of grain in the Hankinson and Wahpeton, North Dakota areas.

WHEREAS, the state of North Dakota has an agricultural economy which is based upon the production and sale of small grains which are federally inspected and graded in order to be sold in interstate commerce; and

WHEREAS, the greater percentage of grain grown in North Dakota finds its way into interstate commerce for sale, and it is financially beneficial to the people of the state of North Dakota to have this grain inspected and graded before it leaves the state; and

WHEREAS, hold points established in the Hankinson and Wahpeton, North Dakota areas, would tend to create a grain

market in this area, stimulate competition, result in higher prices to the North Dakota farmer, and aid in the growth of the grain processing industry in the state of North Dakota; and

WHEREAS, the earliest points of grading provide the greatest market sensitivity;

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

That the Interstate Commerce Commission favorably reconsider any move designed to establish and designate official inspection points for the grading of grain in the Hankinson and Wahpeton, North Dakota areas; and

*Be It Further Resolved*, that the Great Northern Railroad and the Soo Line Railroad, under the corporate powers of both railroads, designate hold points for the inspection and grading of grain in the Hankinson and Wahpeton, North Dakota areas; and

*Be It Further Resolved*, that copies of this resolution be forwarded by the secretary of state to:

Mr. Laurence K. Walrath, Chairman  
Interstate Commerce Commission  
12th Street and Constitution Avenue Northwest  
Washington 25, D.C.

Mr. J. M. Budd, President  
Great Northern Railway Company  
175 East 4th Street  
St. Paul 1, Minnesota

Mr. Leonard H. Murray, President  
Soo Line Railroad Company  
First National Soo Line Building  
Minneapolis 40, Minnesota.

Filed March 18, 1963.

## SENATE CONCURRENT RESOLUTION "D-D-D"

(Holand)

## TAX DEPARTMENT FINANCING

A concurrent resolution requesting the emergency commission to comply with and honor any reasonable request of the tax department for funds necessary to carry out its duties.

WHEREAS, the Thirty-eighth Legislative Assembly during the closing hours of the session has imposed numerous additional duties upon the state tax department; and

WHEREAS, it appears that the tax department appropriation will not be adequate to allow full compliance with such additional duties, but limited time does not permit the legislative assembly to properly evaluate or foresee or determine the necessary amount of additional funds;

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

That the emergency commission is hereby respectfully requested to comply with and honor any reasonable request of the state tax department for any additional funds necessary to adequately carry out its duties in making plans and preparations for carrying out new duties to be imposed by law during the biennium beginning July 1, 1963; and

*Be It Further Resolved*, that the secretary of state is hereby directed to present a copy of this resolution to the emergency commission.

Filed March 19, 1963.