

SENATE RESOLUTIONS

SENATE RESOLUTION NO. 1

(Lips, Longmire)

COMMENDING UND'S FOOTBALL TEAM

A resolution commending the University of North Dakota football team for its excellent season, and wishing the team success in its Camellia Bowl football game Saturday, December 9, 1972.

WHEREAS, the University of North Dakota's football team, known as the "Fighting Sioux", finished its 1972 season under head coach Jerry Olson with a 9-1 record; and

WHEREAS, the "Fighting Sioux" finished in a three-way tie for the North Central Conference football championship and were honored by being selected to play in the NCAA college division Camellia Bowl football game December 9, 1972, in Sacramento, California, against Cal Poly of San Luis Obispo; and

WHEREAS, such achievements bring honor not only to the individual players and the university, but also to the entire state of North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE
SENATE OF THE STATE OF NORTH DAKOTA:

That it extend to head coach Jerry Olson and his "Fighting Sioux" football team hearty commendations on a great season and best wishes that the season will be even greater with a resounding victory over Cal Poly in the Camellia Bowl football game Saturday, December 9, 1972; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate forward a copy of this resolution air mail to coach Olson in Sacramento, California.

Filed January 15, 1973

SENATE RESOLUTION NO. 2

(Nething, Ringsak)

INVESTIGATION OF PENITENTIARY

A resolution creating a select senate investigating committee to study, investigate, and review the operation and administration of the North Dakota penitentiary and to report its findings and recommendations to the senate within thirty days of the passage of this resolution.

WHEREAS, the state of North Dakota and its citizens desire to provide the best possible rehabilitation programs while at the same time maintaining proper and necessary security measures at the North Dakota state penitentiary; and

WHEREAS, it is evident that recent years have seen a national trend of change and reform, as well as new ideas and programs, in the general field of penal administration; and

WHEREAS, recent developments at the North Dakota state penitentiary, including, but not limited to, the rash of escapes; prisoner disturbances; the flurry of charges and counter-charges concerning administrative policies and procedures; the suspension, hearings, and eventual resignations of the warden and deputy warden; the special news conference on the subject held by the governor; the concern voiced over the penitentiary situation by various news media, law enforcement personnel, and law enforcement associations; have all raised serious questions in the minds of many North Dakotans and of members of the Forty-third Legislative Assembly concerning the penitentiary situation; and

WHEREAS, it is a necessary prerequisite to any legislative action concerning policy or appropriations that the legislature have the facts and information upon which to make decisions; and

WHEREAS, the Forty-third Legislative Assembly is already in session and such information must be gathered swiftly and put before it if it is to be the basis of action during this session; and

WHEREAS, an investigation of matters pertaining to the penitentiary, and possible legislative action thereon, will work to the benefit of all North Dakota citizens, including the penitentiary inmates; and

WHEREAS, the Forty-third Legislative Assembly wishes to help the new warden of the North Dakota state penitentiary in any manner possible;

NOW, THEREFORE, BE IT RESOLVED BY

THE SENATE OF THE STATE OF NORTH DAKOTA:

That it hereby authorizes and directs the creation of a select senate investigating committee composed of seven members to study, review, and investigate the operation of the North Dakota state penitentiary, with the scope of its investigation, including, but not limited to, the programs of rehabilitation and treatment presently provided, required, or needed at the penitentiary; the security measures and disciplinary procedures now in force, and those that may be needed or required; the relationship of the institution with the office of the state director of institutions; the facts and circumstances related to the recent suspension, hearings, and dismissals, and/or resignations of the warden and deputy warden; the financial operations of the institution; the morale and well being of the inmates of the penitentiary; the recommendations of consultants and others concerning the penitentiary; and other matters deemed appropriate by the committee to carry out its duties; and

BE IT FURTHER RESOLVED, that five members of this select senate investigating committee be appointed by the senate majority leader and that two members be appointed by the senate minority leader within two legislative days of the passage of this resolution; that the majority leader designate one of his appointees as chairman; and that this committee report its findings and recommendations to the senate within thirty days of the date of passage of this resolution; and

BE IT FURTHER RESOLVED, that this select senate investigating committee may call upon the legislative council, the director of institutions, the office of the governor, the department of accounts and purchases, the state combined law enforcement council, the attorney general, and any other executive department, agency, office, officer, board, commission, or institution, or any organization or individuals outside of state government, for any reasonable assistance in the conduct of its investigation; and

BE IT FURTHER RESOLVED, that this select senate investigating committee is created under the authority and powers of chapter 54-03.2 of the North Dakota Century Code, and that as such it have full subpoena powers, the power to take testimony under oath, and all other powers necessary to conduct an investigation according to chapter 54-03.2; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded immediately by the secretary of the senate to the warden of the state penitentiary, the director of institutions, the governor, and the attorney general.

Filed January 15, 1973

SENATE RESOLUTION NO. 3
(Litten)

STUDY OF HEATING FUEL SHORTAGE

A resolution providing for the appointment of a special Senate committee for the purpose of studying and reviewing existing and impending heating fuel shortages in North Dakota.

WHEREAS, the State and Nation is facing a national energy shortage because of the growing consumption of energy and the technological, economic, and environmental problems involved in meeting energy needs; and

WHEREAS, it has been reported to state officials that some North Dakota fuel dealers have periodically been without heating fuel oil to meet the needs of their customers; and

WHEREAS, in 1973, some suppliers have restricted deliveries to North Dakota fuel oil distributors and dealers to approximately eighty percent of the amount of fuel delivered in the same month during the calendar year 1972, and on January 6, 1973, a major North Dakota supplier notified many of its contract customers, including hospitals and schools, that it would deliver only 75 percent of their current contract quantities of fuel oil; and

WHEREAS, if even normal winter temperatures prevail, the shortage of heating fuel will continue, and if unseasonably cold weather prevails during the current winter months, the shortage will become acute and may affect and endanger the life, health, safety, property, and economic and general welfare of the citizens of this State; and

WHEREAS, should the shortage become so great that agricultural needs for diesel fuel are not fully met, the very economic lifeblood of North Dakota and its citizens could be affected; and

WHEREAS, it is probable that the national and state energy crisis will continue for the foreseeable future and may be equally or more severe during the winter of 1973-74, a period when the Legislative Assembly will not normally be in session; and

WHEREAS, present emergency powers of the Governor as found in section 37-01-06, involve those as commander-in-chief of the military forces of this State and are essentially a type of unlimited martial rule power, which is generally repugnant to a free democratic society and should be used only as a matter of last resort, when no other solution to emergencies is available; and

WHEREAS, in the event a heating fuel or other fuel crisis of emergency proportions should arise during the winter or spring of 1973-74, the Governor will be faced with the necessity of the use of the martial rule powers contained in section 37-01-06 or the alternative of the calling of a special and emergency session of the Legislative Assembly; and

WHEREAS, it is the responsibility of the Legislative Assembly to provide by law for orderly government and the protection of the life, health, safety, and general welfare of the citizens of the State and the protection of the property of its citizens, as well as to ensure the continuance, under all possible circumstances, of the essential activities necessary for the well-being of its citizens; and

WHEREAS, it is essential that the Legislative Assembly fully inform itself of the present heating fuel problems and of any impending crisis or emergency that may be anticipated;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the Senate does hereby direct the creation of a select committee consisting of four members of the Senate appointed by the Majority Floor Leader and one member of the Senate appointed by the Minority Floor Leader, which shall carry on such study, review, hearings, and investigations in accordance with chapter 54-03.2 of the North Dakota Century Code as may be required to fully inform the Legislative Assembly of all factors relating to the current or to an impending heating fuel crisis, and report its findings and recommendations to the Senate within thirty calendar days from and after the passage of this resolution. The committee may call upon any employee of the Senate, upon the staff of the Legislative Council, or upon the office of the Attorney General for such service and assistance as it may require in carrying out the provisions of this resolution, and each department, agency, or institution of the State shall provide such reasonable aid or assistance as may be requested by the committee.

Filed February 23, 1973

SENATE RESOLUTION NO. 4
(Jones)

COMMENDING DAGNY OLSON

A resolution commending Dagny Olson on her years of service as desk reporter for the North Dakota Senate, and wishing her well in her future activities.

WHEREAS, to paraphrase Ralph Waldo Emerson, an institution is the lengthened shadow of one woman, so Dagny Olson became an institution in the annals of North Dakota legislative history through her service during eleven consecutive regular sessions and one special session of the Legislature as Senate Desk Reporter, beginning with the 1951 Legislature, and concluding with the 1971 Legislature; and

WHEREAS, during these years of service to the State of North Dakota, she was the quintessential desk reporter, carrying out her duties with an efficiency, dispatch, and ability beyond compare; and

WHEREAS, through her years of service she accumulated a vast reservoir of knowledge of matters legislative which she used to assist legislators and to keep the legislative processes moving smoothly and steadily; and

WHEREAS, this native of Benson County has a distinguished record of accomplishments which includes, but which is not limited to, the past chairmanship of the Governor's Commission on the Status of Women; the past presidency of the North Dakota Federation of Republican Women; the North Dakota Association of Shorthand Reporters; and the North Dakota Federation of Business and Professional Women's Clubs; and past national legislative chairwoman of the BPW; and

WHEREAS, she has been the District Court Reporter for the Second Judicial District since 1949; and

ETTERSOM, Nordmen har utført en bestemt del i den historiske saga av North Dakota, og at Dagny Olson har utmerket seg i sin prektig Norsk nasjonal arv og karakterkrekk ved hennes oppriktighet, arbeidsomhet og dyktighet;

(WHEREAS, Norwegians have played an integral part in the saga of North Dakota, and Dagny Olson exemplifies the finest qualities of her Nordic heritage in her honesty, candor, industry, and capability;)

NOW, THEREFORE, BE IT RESOLVED BY
THE SENATE OF THE STATE OF NORTH DAKOTA:

That the Senate of the Forty-third Legislative Assembly commend Dagny Olson for her years of service to the North Dakota

Senate and for her many accomplishments in civic and professional activities, and declares her to be among the elite of the Legislature; and

BE IT FURTHER RESOLVED, that the Senate wish her well in her legislative "retirement" and in all her future activities; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate present an enrolled copy of this resolution to Dagny Olson.

Filed January 31, 1973

SENATE RESOLUTION NO. 5
(Anderson, Redlin, Reiten)

COMMENDING SENATOR COUGHLIN

A resolution commending Senator John D. "Jack" Coughlin on the auspicious occasion of his fifty-fifth birthday.

WHEREAS, fifty-five years ago, on Tuesday, February 5, 1918, one of the State's most distinguished businessmen and law-makers was born; and

WHEREAS, according to the anonymous but ageless poem titled Birthdays, "Tuesday's child is full of grace"; and

WHEREAS, the good and able Senator from the Fifth District has aged exceedingly gracefully, all the while serving his city and State very well; and

WHEREAS, his civic activities and honors have been legion, and his work for North Dakota has been evidenced and recorded in the legislative journal since his first session in the Senate in 1967; and

WHEREAS, he was selected as "Boss of the Year" in 1962 by the Minot Jaycees, thus showing that he doesn't beat his employees; and

WHEREAS, his hometown newspaper, in describing the "Fifth District Team", said he was "Small in size, but tough. Plays with no helmet.";

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That it extend to "small but tough" Senator John D. "Jack" Coughlin its hearty congratulations on the occasion of his fifty-fifth birthday, and that it wish him many happy (election) returns.

Filed February 23, 1973

SENATE RESOLUTION NO. 6
(Iszler, Litten, Christensen, Larson, Nasset)

WISHING SENATOR RINGSACK
A SPEEDY RECOVERY

A resolution urging Senator Elton Ringsack a speedy recovery from his illness.

WHEREAS, Senator Elton Ringsack, a distinguished attorney and civic leader in his hometown of Grafton, has served his State and its citizens exceedingly well in the State Senate since 1959; and

WHEREAS, he ranks seventh in seniority based on the number of terms served in the Senate and is currently President Pro Tem of the Senate; and

WHEREAS, over the years, the wit and wisdom of this "happy warrior" has added much to the debates and deliberations of the Senate; and

WHEREAS, the mild and sometimes semi-tropical climate of the Capitol City has proven too much for Senator Ringsack, who is used to the hardier and more rugged climate of the 16th District, and he has been hospitalized;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the Senate wish him a complete and speedy recovery so that he can rejoin his colleagues in the activities of the Forty-third Legislative Assembly; and

BE IT FURTHER RESOLVED, that a committee of three Senators be appointed to personally deliver a signed copy of this resolution to Senator Ringsack.

Filed February 23, 1973

SENATE RESOLUTION NO. 8
(Committee on Delayed Bills)

APPOINTING SENATE PHOTOGRAPHER

A resolution to appoint an official photographer for the Senate of the Forty-third Legislative Assembly of the State of North Dakota.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made of all members of such assemblies; and

WHEREAS, Manda-Color Studio of Mandan, North Dakota, offers to take six proof color photographs of each Senator, the Lieutenant Governor, the Secretary of the Senate, the Assistant Senate Secretary, the Senate Bill Clerk, the Senate Desk Reporter, and the Senate Sergeant-at-Arms, and to retouch said proofs; to make a composite color picture, size 30 x 40 inches, framed and ready to hang, of the photographs of the aforementioned; to make 57 color copies of said picture, 14 x 11 inches in size, one for each person pictured therein; and to make one 5 x 7 inch color, and one 5 x 7 inch black and white, photograph of each Senator and the Lieutenant Governor; all the foregoing at a cost of \$968.50;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That Manda-Color Studio of Mandan, North Dakota, be and is hereby appointed official photographer for the Senate of the Forty-third Legislative Assembly of the State of North Dakota; and

BE IT FURTHER RESOLVED, that Manda-Color Studio of Mandan, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the above-mentioned Senate employees of the Forty-third Legislative Assembly, at a cost of \$968.50 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered on or before June 1, 1973.

Filed April 4, 1973

SENATE RESOLUTION NO. 9

(Litten, Christensen)

REQUESTING PRESIDENT OF SENATE TO
DRAW LOTS FOR SENATE SEATS

A resolution requesting the President of the Senate to perform the duties outlined in Section 2 of House Bill No. 1042, now, rather than at a later date.

WHEREAS, Section 2 of House Bill No. 1042 provides as follows:

"SECTION 2. NUMBERING LEGISLATIVE DISTRICTS - CLASSES OF SENATORS TO PROVIDE STAGGERED TERMS.) Senators shall be divided into two classes: those elected in legislative districts designated by even numbers shall constitute one class, and those elected in legislative districts designated by odd numbers shall constitute the other class. The senators of one class elected in the year 1974 shall hold their office for two years, those of the other class elected in the year 1974 shall hold their office for four years, and the determination of which class shall be elected for four years and which class shall be elected for two years shall be by lot. The president of the senate shall perform the lot in the presence of the majority and minority floor leaders of the senate and shall certify in writing the results of such lot to the secretary of state within thirty days after the effective date of this Act." and

WHEREAS, it is deemed advantageous to the general public and everyone concerned to know at the earliest date possible which senatorial districts under House Bill No. 1042 will have a two-year term and which will have a four-year term; and

WHEREAS, it is deemed advisable to save the extra expense, effort, and time for the President of the Senate and the Majority and Minority Floor Leaders of the Senate to make a special trip to perform the determination by lot as outlined in Section 2 of House Bill No. 1042; and

WHEREAS, it is deemed that any determination made now will in no manner interfere with the prerogatives of the judiciary or the people of this State; and

WHEREAS, the performance of the determination by lot now would be within the spirit of Section 2 of House Bill No. 1042;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the provisions of Section 2 of House Bill No. 1042 be executed and carried out as provided for in Section 2 thereof on a Nunc Pro Tunc basis; and

BE IT FURTHER RESOLVED, that the results of such determination be made public and certified to the Secretary of State by the President of the Senate as provided for in Section 2 of House Bill No. 1042.

Filed April 4, 1973