

STATE OF NORTH DAKOTA

---

# Journal of the Senate

of the

## Twenty-eighth Legislative Assembly

in

### Extraordinary Session

Begun and Held in the Capitol Building at Bismarck,  
March 20th to March 28th, 1944, Inclusive

---

SENATOR G. F. DREW  
President Pro Tem

W. J. TROUT  
Secretary



BISMARCK TRIBUNE

36225

## SENATE MEMBERS

Dist.	County	Name	Address
1.	Pembina	Franklin Page	Hamilton
2.	Pt. Ward	Walter Troxel	Berthold
3.	Pt. Walsh	Harry O'Brien	Park River
4.	Pt. Walsh	Rilie R. Morgan	Grafton
5.	Pt. Grand Forks	Oliver Bilden	Northwood
6.	Pt. Grand Forks	Carroll Day	Grand Forks
7.	Pt. Grand Forks	J. B. Bridston	Grand Forks
8.	Traill	C. Norman Brunsdale	Mayville
9.	Pt. Cass	Geo. C. Hoenck	Fargo
10.	Pt. Cass	Frank H. Beaton	Fargo
11.	Pt. Cass	Wm. Watt	Leonard
12.	Pt. Richland	Wm. J. Braun	Wahpeton
13.	Sargent	A. N. Lavik	Milnor
14.	Ransom	J. L. Flatt	Sheldon
15.	Pt. Barnes	P. L. Foss	Valley City
16.	Griggs-Steele	Steven C. Nelson	Finley
17.	Nelson	R. R. Lofthus	McVile
18.	Cavalier	W. H. Porter	Calvin
19.	Rolette	H. G. Guenther	Rolla
20.	Benson	Orris G. Nordhougen	Leeds
21.	Ramsey	G. F. Drew	Devils Lake
22.	Towner	J. J. Kehoe	Cando
23.	Stutsman	G. I. Feton	Jamestown
24.	LaMoure	M. R. Young	Berlin
25.	Dickey	John G. Nelson	Fullerton
26.	Emmons	E. H. Brant	Linton
27.	Burleigh	Milton Rue	Bismarck
28.	Bottineau	Wm. A. Thatcher	Bottineau
29.	Pt. Ward	Walter R. Bond	Minot
30.	Morton	P. W. Blank	Mandan
31.	Stark	M. J. Raschko	Dickinson
32.	Eddy-Foster	C. W. Schrock	New Rockford
33.	Wells	R. M. Streibel	Fessenden
34.	McHenry	Martin Olson	Butte
35.	Kidder-Sheridan	John J. Adam	Anamoose
36.	McIntosh-Logan	Robert Greiser	Wishek
37.	Pt. Richland	H. R. Morgan	Walcott
38.	Pt. Barnes	Melvin Olson	Nome
39.	Billings, Bowman, Golden Valley and Slope	Gust. Wog	Belfield
40.	Burke-Divide	R. H. Lynch	Fortuna
41.	McKenzie	Hjalmer Nelson	Schafer
42.	Pierce	Knut Oksendahl	Rugby
43.	Renville	Albert Nelson	Glenburn
44.	Mountrail	Axel Olson	Parshall
45.	Williams	Iver Solberg	Ray
46.	McLean	E. C. Stucke	Garrison
47.	Grant-Sioux	William Kamrath	Leith
48.	Mercer, Oliver and Dunn	Harry Semerad	Dickinson
49.	Adams-Hettinger	Chas. A. Ginter	Hettinger

# HOUSE MEMBERS

Dist.	County	Name	Address
1.	Pembina	Harry Carlson	Concrete
		Alex Dalzell	Walhalla
		John Halcrow	Bowesmont
2.	Pt. Ward	Emanuel Mortenson	Kenmare
		Palmer Levin	Park River
3.	Pt. Walsh	M. T. Lillehaugen	Brocket
		Wilfred Collette	Grafton
4.	Pt. Walsh	Wilfred Collette	Grafton
5.	Pt. Grand Forks	K. L. Boulden	Larimore
6.	Pt. Grand Forks	Geo. Saumur	Grand Forks
7.	Pt. Grand Forks	A. M. Allen	Thompson
		Edwin L. Bagge	Cummings
8.	Traill	H. W. McInnes	Kelso
		Alva Wambheim	Hatton
		A. R. Bergesen	Fargo
		K. A. Fitch	Fargo
		Arthur C. Johnson	Fargo
9.	Pt. Cass	W. H. Shure	Fargo
		L. L. Twichell	Fargo
10.	Pt. Cass	Manfred R. Ohnstad	West Fargo
		Kenneth K. Pyle	West Fargo
11.	Pt. Cass	Wesley L. Bolmeier	Erie
		Joe Runck	Casselton
12.	Pt. Richland	Vernon M. Johnson	Wahpeton
		H. C. Mittag	Hankinson
13.	Sargent	Mal Gainor	DeLamere
		Brown D. Williams	Lidgerwood
14.	Ransom	J. T. Peterson	Englevale
		H. G. Severson	Kathryn
15.	Pt. Barnes	Curtis Olson	Valley City
16.	Griggs-Steele	Thomas V. Devlin	Hope
		Bjorn Fuglestad	Cooperstown
		Harry Kolpin	Sutton
17.	Nelson	Olaf Hildre	McVile
		P. K. Holm	Pekin
		L. E. Callahan	Munich
18.	Cavalier	W. M. Crockett	Wales
		Peter Moe	Osnabrock
		John Coghlan	Rolla
19.	Rolette	Oscar M. Johnson	Mylo
		C. H. Hofstrand	Leeds
20.	Benson	I. B. Rohrer	Churchs Ferry
		Louis Leet	Webster
21.	Ramsey	E. A. Lunde	Lawton
		Harry Stormon	Devils Lake
		D. S. Blair	Maza
22.	Towner	E. J. Langley	Rock Lake
		C. F. Arndt	Streeter
		H. M. Ekren	Kensal
23.	Stutsman	P. G. Westby	Jamestown
		Henry Williams	Jamestown
		M. W. Gackle	Kulm
24.	LaMoure	A. J. Sandness	LaMoure
		Cornelius Bymers	Ellendale
25.	Dickey	F. J. Graham	Ellendale
		John J. Baumgartner	Strasburg
26.	Emmons	Joseph Welk	Hague

Dist.	County	Name	Address
27.	Burleigh	Wm. B. Falconer.....	Bismarck
		John R. Fleck.....	Bismarck
		Walter E. Sellens.....	Bismarck
28.	Bottineau	Peter Peterson.....	Antler
		Arlan Stair.....	Newburg
		Duncan Fraser.....	Omemee
29.	Pt. Ward	A. W. Benno.....	Minot
		Brynhild Haugland.....	Minot
		Dave Hovey.....	Minot
		Roy Larson.....	Minot
30.	Morton	W. M. Nelson.....	Mandan
		Tony Starck.....	Judson
		Richard E. Wolf.....	New Salem
31.	Stark	A. H. Schmalenberger.....	Hebron
		Ray Schnell.....	Dickinson
		Leo Sticka.....	New England
32.	Eddy-Foster	A. H. Nystrom.....	Shenoyenne
		A. I. Sharpe.....	Glenfield
33.	Wells	Morris Larson.....	Heimdal
34.	McHenry	L. W. (Roy) Belzer.....	Balfour
		Andrew Halvorson.....	Upham
		Theodore Monson.....	Bergen
35.	Kidder-Sheridan	G. M. Iszler.....	Streeter
		Harold T. Morrison.....	Robinson
36.	McIntosh-Logan	Ed Haag.....	Fredonia
		S. N. Welder.....	Napoleon
		Ben J. Wolf.....	Zeeland
37.	Pt. Richland	Maurice S. Aker.....	Hankinson
		H. C. Williams.....	Lidgerwood
38.	Pt. Barnes	Carl Manstrom.....	Litchville
39.	Billings, Bowman Golden Valley & Slope	M. B. Hogoboom.....	Alpha
		L. K. Morland.....	Scranton
		C. T. Olson.....	Bowman
		Harold Bureau.....	Larson
40.	Burke-Divide	J. H. Heckman.....	Alkabo
		E. J. Marks.....	Flaxton
		Bernt Anderson.....	Charlson
41.	McKenzie	Iver Drovdal.....	Arnegard
		George Allen.....	Pleasant Lake
42.	Pierce	Wm. H. Tuff.....	Barton
		Olaf Ostgulen.....	Donnybrook
43.	Renville	J. N. Mollet.....	Powers Lake
		T. O. Rohde.....	Van Hook
44.	Mountrail	Asle Bjella.....	Epping
		P. I. Dahlen.....	Williston
		S. A. Forseth.....	Williston
		Donnel Haugen.....	Roseglen
45.	Williams	J. W. Jennings.....	Washburn
		Fred Braun.....	Turtle Lake
		Ralph G. Beede.....	Elgin
46.	Grant-Sioux	Wm. Bauer.....	Thunder Hawk, S. D.
		Walter Bubel.....	Center
		Wm. H. Rettke.....	Beulah
47.	Mercer, Oliver and Dunn	Edwin G. Sailer.....	Stanton
		Elmer Hegge.....	New England
		George Schwartz.....	Mott
48.	Adams-Hettinger	Elmer Hegge.....	New England
		George Schwartz.....	Mott
		Elmer Hegge.....	New England

## SENATE EMPLOYEES

Name	Address	Position
W. J. Trout .....	Sherwood .....	Secretary
Ruth Smith .....	Bismarck .....	Desk Reporter
A. J. Anderson .....	Medora .....	Sergeant-at-Arms
Arthur Herk .....	Fingal .....	Assistant Secretary
John W. Benson .....	Bismarck .....	Proofreader
Helen MacLachlan .....	Bismarck .....	Enroll. and Engross. Clerk
Ray Unzelman .....	Bismarck .....	Page
Jerry Stair .....	Bottineau .....	Page
E. Willoughby .....	Grace City.....	Cloakroom Attendant

## **ERRATA SHEET**

Page 124, Line 7 from the bottom, change the word "pre-  
vailed" to "lost".

Strike out report of Committee on Revision and Correction  
of Journal, page 126 and 127 (duplication).

# Journal of the Senate



Special Session of the Twenty-eighth Legislative Assembly

## FIRST DAY

Bismarck, March 20, 1944.

At the hour of 9:00 o'clock a. m., being the day and hour appointed by the Governor for the convening of the Special Session of the Twenty-eighth Legislative Assembly, pursuant to the following proclamation issued by the Governor, February 26, 1944, which was read by Walter Trout, Secretary of the Twenty-eighth Legislative Assembly:

DEPARTMENT OF STATE

Bismarck, North Dakota

March 18, 1944

The Secretary of the Senate,  
Twenty-eighth Legislative Assembly,  
Bismarck, North Dakota

Dear Sir:

Attached hereto please find copy of Governor's Proclamation calling a special session of the legislature for nine o'clock a. m., March 20, 1944.

Respectfully yours,  
THOMAS HALL  
Secretary of State

## PROCLAMATION

Whereas, thousands of North Dakota voters who are now serving in the armed forces of the Nation will be absent from the State on the date of the coming primary and general elections, and

Whereas, it is our duty to see that these men and women have the fullest possible opportunity to exercise the privilege and the duty of franchise which they now fight to defend, and

Whereas, the present laws of this State relating to absent voting are inadequate to provide such opportunity, and the Congress of the United States has failed to provide effective means to that end,

Now, Therefore, in view of the extraordinary conditions which exist, I, John Moses, Governor of the State of North Dakota by virtue of the power and authority vested in me by the Constitution and the Laws of the State of North Dakota, do hereby call the Twenty-eighth Legislative Assembly of this State to convene in special session at the State Capitol in Bismarck, North Dakota, on Monday, March 20, 1944, at nine o'clock a. m., to consider and enact such laws as may be deemed necessary and advisable to provide ample opportunity for all electors of this State to exercise the right of franchise.

Given under my hand and the Great Seal of the State of North Dakota at my office in Bismarck, North Dakota, this 26th day of February, 1944.

(Signed) JOHN MOSES  
Governor

ATTEST:

Thomas Hall  
Secretary of State

G. A. Gilbertson  
Deputy

A prayer was offered by Rev. Johns of Bismarck.

The roll was called with all Senators present except Brunsdale, Ginter, Lynch and Nelson of Dickey.

Senator Watt moved that the Secretary, Walter Trout, who is presently the presiding officer of the Senate, appoint a committee of three to escort the Interim President Pro Tem, Senator Drew, to the rostrum, which motion prevailed and the presiding officer appointed on such committee Senators Watt, Stucke and Porter.

Senator Morgan of Walsh moved that the presiding officer appoint a committee of three to escort Chief Justice Morris to the rostrum, which motion prevailed and the presiding officer appointed on such committee Senators Morgan of Walsh, Solberg and Troxel.

Chief Justice Morris administered the oath of office to Senator Drew, President Pro Tem.

Senator Rue moved that Ruth Smith of Bismarck be re-hired as Desk Reporter, which motion prevailed.

ROLL CALL

The roll was called and there were ayes, 42; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kehoe	Page
Beaton	Lavik	Porter
Bilden	Lofthus	Raschko
Blank	Morgan, Walsh	Rue
Bond	Nelson, Griggs-	Schrock
Brant	Steele	Semerad
Braun	Nelson, McKenzie	Solberg
Bridston	Nelson, Renville	Streibel
Day	Nordhougen	Stucke
Drew	O'Brien	Thatcher
Feton	Oksendahl	Troxel
Flatt	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young
Hoencck		

Absent and not voting:

Brunsdale	Kamrath	Morgan, Richland
Ginter	Lynch	Nelson, Dickey
Greiser		

So Ruth Smith was declared elected and the oath of office was administered by the presiding officer, Senator Drew.

Moved by Senator Young that Walter Trout be elected as Secretary of the Senate, which motion prevailed.



ROLL CALL

The roll was called by the desk reporter and there were ayes, 42; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kehoe	Page
Beaton	Lavik	Porter
Bilden	Lofthus	Raschko
Blank	Morgan, Walsh	Rue
Bond	Nelson, Griggs-	Schrock
Brant	Steele	Semerad
Braun	Nelson, McKenzie	Solberg
Bridston	Nelson, Renville	Streibel
Day	Nordhougen	Stucke
Drew	O'Brien	Thatcher
Feton	Oksendahl	Troxel
Flatt	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young

Absent and not voting:

Brunsdale	Kamrath	Morgan, Richland
Ginter	Lynch	Nelson, Dickey
Greiser		

So Walter Trout was declared elected and the oath of office was administered by the presiding officer.

Moved by Senator Wog that A. J. Anderson be elected as Sergeant-at-Arms, which motion prevailed.

ROLL CALL

The roll was called and there were ayes, 42; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kehoe	Page
Beaton	Lavik	Porter
Bilden	Lofthus	Raschko
Blank	Morgan, Walsh	Rue
Bond	Nelson, Griggs-	Schrock
Brant	Steele	Semerad
Braun	Nelson, McKenzie	Solberg
Bridston	Nelson, Renville	Streibel
Day	Nordhougen	Stucke
Drew	O'Brien	Thatcher
Feton	Oksendahl	Troxel
Flatt	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young

Absent and not voting:

Brunsdale	Kamrath	Morgan, Richland
Ginter	Lynch	Nelson, Dickey
Greiser		

So A. J. Anderson was declared elected as Sergeant-at-Arms and the oath of office was administered by the presiding officer.

Senator Morgan of Walsh moved that a committee of three be appointed to notify the Governor that the Senate is now in session and ready to receive any messages he desires to deliver to this body, which motion prevailed, and the presiding officer appointed as such committee Senators Morgan of Walsh, Young and Solberg.

Senator Watt moved that a committee of three be appointed to notify the House that we are organized and ready to do business, which motion prevailed and the presiding officer appointed on such committee Senators Watt, Stucke and Porter.

A committee from the House was received who informed the Senate that the House is now organized and ready to receive the Senate in joint session at eleven o'clock a. m., to hear the Governor's Message.

Senator Thatcher moved that the rules of the session prevail with the exception of the amendments contained in the following committee report:

Your Joint Committee on Rules make the following report:

That Section 42 of the Rules of the Senate's 28th Legislative Assembly be amended by striking out the word "thirty-fifth" in lines 3 and 6 and inserting the word "second" in lieu thereof.

And that Section 25 of the House Rules be amended by striking out the word "25th" in line 2 and the word "35th" in line 6 and insert in lieu thereof the word "two".

And that these amendments shall apply on for this special session.

WM. A. THATCHER  
for the Senate

GEORGE SCHWARTZ  
for the House

Senator Thatcher moved the adoption of the report, which motion prevailed.

Senator Brant moved that all standing committees which served during the last session be empowered to act for this session, which motion prevailed.

Senator Flatt moved that the following employees be employed:

Art Herk, Fingal—Bill Clerk.

John W. Benson, Bismarck—Proofreader.

Jerry Stair, Bottineau—Page.

Ray Unzelman, Bismarck—Page.

Helen McLaughlin, Bismarck—Enrolling and Engrossing Clerk.

ROLL CALL

The roll was called and there were ayes, 35; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

Adam	Lavik	Page
Beaton	Morgan, Walsh	Porter
Bilden	Morgan, Richland	Raschko
Blank	Nelson, Griggs-	Schrock
Brant	Steele	Solberg
Braun	Nelson, Renville	Streibel
Day	Nordhougen	Stucke
Drew	O'Brien	Thatcher
Feton	Oksendahl	Troxel
Flatt	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
HoencK	Olson, Mountrail	Young

Absent and not voting:

Bond	Greiser	Nelson, Dickey
Bridston	Kamrath	Nelson, McKenzie

Brunsdale  
Foss  
Ginter

Kehoe  
Lofthus  
Lynch

Rue  
Semerad

So the above named employes were declared elected and the oath of office was administered by the presiding officer.

Senator O'Brien moved that the Senate stand at ease subject to the call of the chair, which motion prevailed.

The presiding officer called the Senate to order.

Senator Morgan of Walsh reported that the committee to notify the Governor that the Senate was ready to do business had completed its business and requests that it be excused, which request was granted.

Senator Watt moved that Senators Brunsdale and Lynch be excused, which motion prevailed.

Senator Young moved that the Senate now stand adjourned, which motion prevailed and the Senate stood adjourned.

WALTER TROUT, Secretary.

## SECOND DAY

Bismarck, March 20, 1944.

The Senate convened at 2:00 p. m., Senator Drew, President Pro Tem, presiding.

Prayer by the Chaplain, Rev. A. E. Smith of Bismarck.

The roll was called and all Senators were present except Ginter, Lynch and Nelson of Dickey (who is now deceased).

A communication was read from E. B. McCutcheon which was presented by Senator Bond.

Mr. Walter S. Bond  
State Senate  
Bismarck, N. Dak.

Dear Walter:

Unless the Government releases censorship on letters containing Soldiers' Ballots, the soldiers are not very apt to vote at all. This censorship is very rigid, and in the main is chiefly for the purpose of keeping many things and much information from the people back home which might hurt the administration politically.

There is no question but what some censorship is necessary, especially concerning the departure of convoys, but after a convoy has arrived overseas, and the ship departed, say a couple of weeks, censorship should be lifted but that might hurt politics.

I do not know what the makeshift so-called Federal ballot permits because I have not seen a copy of the law published. But I doubt that it removes censorship on soldiers' ballots.

The next important thing would be to make sure that county auditors send ballots to overseas persons by AIR MAIL and that air mail stamps are affixed by said auditor on the return envelope to bring back the voted ballot. Unless this is done many soldiers could not vote as they are frequently as much as two weeks from where they can get a postage stamp. I know that to be a fact. Frequently letters come through via ordinary mail, under soldiers' frank, and statement is made that they would have written via air mail but could not get a postage stamp.

Do not rely on soldiers' frank to carry ballots back or ordinary mail to carry the ballots out to soldiers overseas. I have a son somewhere in New Guinea, and we have made tests, and therefore know what we are talking about. With good luck a letter either way takes SEVEN WEEKS as the quickest and usually NINE WEEKS.

And of course the law should be fixed so that the County Auditor can charge this postage as election expense, and also that a close relative can ask for the sending of the ballot, and thus do away with the overseas person asking for the ballot. Also Minnesota session only lasted FOUR days, so the soldiers when they come home will not have to dig up so much money to pay that expense.

Hastily,

E. B. McCUTCHEON.

Senator Day moved that this communication be referred to the Committee on Elections, which motion prevailed.

A communication from Attorney General Strutz was presented at the desk.

Senator Page moved that the communication from the Attorney General be read by the Secretary, which motion prevailed.

State of North Dakota  
OFFICE OF ATTORNEY GENERAL

Bismarck, March 20, 1944.

Hon. G. F. Drew,  
President Pro Tem,  
North Dakota Senate,  
Special Session of 28th Legislative Assembly,

Hon. Ralph Beede,  
Speaker of the House of Representatives,  
Special Session of 28th Legislative Assembly.

Gentlemen:

Under date of February 28th, 1944, O. R. Vold, former manager of the State Fire and Tornado Fund, published a pamphlet in which he charges the Attorney General's office, and more particularly, myself, as Attorney General, with having whitewashed certain alleged illegal transactions, in connection with claims filed against the State Fire and Tornado Fund. I am advised that copies of this pamphlet were mailed to each of the members of the Legislative Assembly. The charges made by Mr. Vold are wholly false and without merit. If those charges are true, then not only I, as Attorney General, but the State's Attorney of Burleigh County, and certain members of the Board of Administration, as well as the Adjuster for the fire and Tornado Fund, are all guilty of violating the law in the performance of our official duties.

In view of the seriousness of the charges made, I respectfully request and invite the Legislative Assembly to make an investigation into the charges made by Mr. Vold to the end that the truth or falsity of those charges be determined. Having been charged with a crime, wholly without any justification, I feel that, as a public official of the State of

North Dakota, I am entitled to have the truth of these charges publicly determined.

Very respectfully,  
ALVIN C. STRUTZ,  
Attorney General.

Senator Watt moved that this communication be referred to the Committee on Insurance, which motion prevailed.

Senator Watt moved that the President Pro Tem appoint a Senator to fill the vacancy of Senator John G. Nelson on the Elections Committee, which motion prevailed and the President Pro Tem appointed Senator Braun.

Senator Braun requested that his name be taken off the Elections Committee, which request was granted, and the President Pro Tem appointed Senator Nordhougen on the Elections Committee.

Senator Day moved to recess subject to the call of the chair, which motion prevailed and the Senate stood recessed.

The presiding officer called the Senate to order.

The Senate was on the seventh order of business.

#### FIRST READING OF SENATE BILLS

Senators Stucke and Young (by request) introduced:

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Appropriations.

Senators Stucke and Young (by request) introduced:

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Was read the first time and referred to the Committee on Agriculture.

Senators Stucke and Young (by request) introduced:

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North

Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Was read the first time and referred to the Committee on State Affairs.

Senators Stucke and Young (by request) introduced:

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing all Acts and Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Military Affairs.

Senators Stucke and Young (by request) introduced:

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

Was read the first time and referred to the Committee on Printing.

Senator Morgan of Richland moved that Senate Bill No. 2 be re-referred to the Committee on Game and Fish instead of Committee on Agriculture, which motion prevailed.

Senator Young moved that the Senate recess until 1:00 o'clock p. m., March 21, which motion prevailed and the Senate stood recessed.

W. J. TROUT, Secretary.

SECOND DAY AFTER RECESS AND  
THIRD DAY

Bismarck, March 21, 1944.

The Senate re-convened at 1:00 P. M., pursuant to recess taken March 20th.

The presiding officer, Senator Drew, announced that the Senate would be on the Seventh Order of Business.

FIRST READING OF SENATE BILLS

Senators Stucke, Drew, Bridston and Day introduced:

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

The Committee on Elections introduced:

Senate Bill No. 6. A Bill for an Act Permitting Electors Engaged in the Defense of Their Country as a Result of Any War in Which the United States of America May Be Engaged, and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duty of the County Auditor, and Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

Senators Raschko, Flatt and Lynch introduced:

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

Senator Flatt introduced:

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senator Young moved that Senate Bill No. 9 be introduced by the Committee on Judiciary, which motion prevailed.

The Committee on Judiciary introduced:

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

Senator Bridston moved that Senate Bills No. 10, 11, 12 and 13 be introduced by the Committee on State Affairs, by request.

Senator Day made a substitute motion that Senate Bills No. 10, 11, 12 and 13 be introduced by the Committee on State Affairs, by request of the Governor.

Senator Day withdrew his motion with the consent of his second, with the provision that the original motion be withdrawn.

Senator Bridston withdrew his original motion.

Senator Watt moved that the Senate recess for ten minutes, which motion prevailed and the Senate stood recessed.

The Senate reconvened at the expiration of the recess, and the presiding officer announced that the Senate would be on the Seventh Order of Business.

Senator Bond moved that Senator Brunsdale be recorded as being present as of today, which motion prevailed.

Senator Troxel moved that the name of Nelson of Dickey (deceased) be removed from the record, which motion prevailed.

Senator Young moved that the record show that Senate Bills No. 10, 11, 12 and 13, which are about to be introduced are not the above bills referred to in that numerical order, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Page, Lofthus, Wog, Brant, Bridston and Lavik introduced:

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

Senators Page, Lofthus, Wog, Brant, Bridston and Lavik introduced:

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.



Senators Page, Lofthus, Wog, Brant, Bridston and Lavik introduced:

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries, and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Was read the first time and referred to the Committee on Insurance.

Senators Page, Lofthus, Wog, Brant, Bridston and Lavik introduced:

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

Senator Watt introduced:

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Four Percent Per Annum; and Declaring an Emergency.

Was read the first time and referred to the Committee on State Affairs.

The Committee on Appropriations introduced:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944.

Was read the first time and referred to the Committee on Appropriations.

Senator Page introduced:

Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Was read the first time and referred to the Committee on Judiciary.

Senator Page introduced:

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the

Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and to Appropriate the Sum of \$10,000.00 for the Use of Said Committee.

Was read the first time and referred to the Committee on Judiciary.

The Committee on Insurance (by request) introduced:

Senate Bill No. 17. A Bill for an Act Amending and Re-enacting Subdivision 4 of Section 1 of Chapter 159 of the Session Laws of 1943, Defining the Term "Permanent Contents" and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

The Committee on Insurance (by request) introduced:

Senate Bill No. 18. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 152 of the Laws of 1943, Requiring the Commissioner of Insurance to Procure Catastrophe Insurance, to Regulate the Type and Extent Thereof, Making an Appropriation for the Payment of Premiums and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

Senator Bond introduced:

Senate Resolution "C."

Was read the first time and referred to the Committee on Public Welfare.

Senator Young moved that the Senate recess subject to the call of the chair, which motion prevailed, and the Senate stood recessed.

The senate reconvened to the call of the presiding officer.

The presiding officer announced that the Senate would be on the seventh order of business.

#### FIRST READING OF SENATE BILLS

Senators Beaton and Morgan of Richland introduced:

Senate Bill No. 19. A Bill for an Act to Amend and Re-enact Section 859 and 860 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 139 of the Session Laws of 1939—and Providing a Penalty for the Violation Thereof, and Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

Senator Flatt (by request) introduced:

Senate Bill No. 20. A Bill for an Act Legalizing Marriages by Proxy Where the Man or Woman Is a Member of the Armed Forces Serving Outside the United States, Desiring to Marry Persons Residing in the United States and That the Law for Marriage by Proxy Shall be Valid for the Duration of the War and Until Peace Is Declared.

Was read the first time and referred to the Committee on State Affairs.

Senator Young moved that the Senate do now adjourn, which motion prevailed and the Senate stood adjourned.

WALTER TROUT, Secretary.

## THIRD DAY

Bismarck, March 21, 1944.

The Senate convened at two o'clock p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by the Chaplain, Rev. Pearson of Mandan.

Roll call: All Senators present except Senators Ginter and Wog.

Senator Watt moved that Senator Wog be excused, which motion prevailed.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the First Day and find the same correct.

ORRIS G. NORDHOUGEN, Chairman.

Senator Nordhougen moved that the report be adopted.

Senator Watt made a substitute motion that the Journal show in line 13, page 2, that Senators Greiser and Kamrath be shown as present, which motion prevailed.

## COMMUNICATIONS AND PETITIONS

Senator O'Brien moved that the communication which was received by Senator Drew be read, which motion prevailed.

O. R. VOLD

Bismarck, North Dakota

March 20, 1944.

Hon. G. F. Drew, President  
State Senate  
Bismarck, North Dakota

Dear Senator:

I join Attorney General Alvin C. Strutz in his request that you investigate allegations made in my pamphlet, which has received a general circulation through the mails in North Dakota. Because of recent developments the State Hail Insurance Department ought to be included in the proposed investigation.

Such an investigation would show a perfect alliance between the Insurance Department and Attorney General Strutz.

There is no reason for Mr. Strutz to divert your attention to the Burleigh County State's Attorney and members of the Board of Administration because I have not accused them of anything, which Mr. Strutz knows very well. To assist the legislative members they will be furnished with extra copies of the pamphlet.

Your attention is called to the twenty-six photographic reproductions exhibited in the pamphlet. The entire story is based on these photographs which should serve as conclusive proof as to the truthfulness of the pamphlet.

I am,

Very sincerely,

O. R. VOLD

Senator Braun moved that this communication be referred to the Committee on Insurance, which motion prevailed.

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 20, 1944.

Honorable G. F. Drew  
President Pro Tempore of the Senate  
Twenty-eighth Legislative Assembly  
Bismarck, North Dakota.

My dear Senator:

I have the honor to submit herewith a copy of S. 1285, an act passed by the Congress of the United States, providing for the method of voting in time of war by members of the land and naval forces absent from the place of their residence and for other purposes. The President of the United States has recently addressed a telegram to the Governors of the forty-eight states, referring to the act as passed, and requesting a reply to the following specific questions, inasmuch as the act requires certification by the Governor of a state that the use of Federal ballots provided for by the bill is authorized by the laws of such state.

The President desires a reply to the following two questions:

1. Whether the use of supplementary Federal ballots provided for by this bill is, in the opinion of the Governor, now authorized by the laws of North Dakota.

2. If the use of these ballots is not authorized by the laws of the state, whether in my judgment, if the bill becomes law, steps will be taken to enable me to certify prior to July 15 that the use of such ballots is authorized by the laws of North Dakota.

A copy of the bill reached me Saturday, March the 18th. The provisions of the bill have been carefully considered by the Attorney General and by myself. There is no question as to the reply to be given to question number one. Clearly the laws of North Dakota do not authorize the use of the supplementary Federal ballots provided for by S. 1285.

As to the second question, that is a matter for the Legislature to consider. The Attorney General is of the opinion that there is no constitutional barrier to the passage, by this legislative assembly, now in special session, of legislation authorizing the use of the supplementary Federal ballots provided for by the bill. The question to determine is whether the Legislature desires to pass legislation making possible the use of the Federal ballots.

I feel it my duty to submit the bill to the Twenty-eighth Legislative Assembly, with the request that the bill be submitted to such committee or committees, to which the proposed legislative enactments, dealing with soldier voting, have been referred, so that such committee or committees may be in a position to consider the provisions of the bill, and determine whether the committee favors legislation authorizing the use of the Federal ballot.

In writing this letter, and in submitting S. 1285, I am conscious of the fact that all discussions which have been had with reference to facilitating the voting of men and women in the armed forces, have been had with reference to the pri-

mary election as well as to the general election, and that while I do not presume to say what the Legislature will do, with respect to this matter, my impression is very definitely that the Legislature may desire to legislate upon the subject, with reference to both elections. It is noted that S. 1285 applies to the general election only, and has reference only to the National election, including members of the Congress, and has no reference to State or local elections.

An identical letter is addressed to the Honorable Ralph G. Beede, Speaker of the House of Representatives, and a copy of S. 1285 is submitted with such letter, to the Speaker, for the use and convenience of him and the proper committee or committees of the House.

Respectfully yours,

JOHN MOSES, Governor.

Senator Morgan of Walsh moved that the above communication from the Governor, with attached memoranda, be referred to the Committee on Elections, which motion prevailed.

#### REPORT OF SELECT COMMITTEE

##### REPORT OF THE JOINT COMMITTEE ON PRINTING

Your Committee on Public Printing of the Senate, meeting with a like committee of the House to determine the form of the Journal and Daily Calendar, on the number of daily journals, calendars and bills to be printed and on other matters relating to legislative printing, reports as follows:

We recommend the printing of 1,000 copies of the Journal of each day's proceedings of each house and that there be assigned to the presiding officer of the House and Senate, also to each member of the respective houses, not to exceed five copies of the Journal to be sent only to constituents; that all bills and journals authorized by this joint resolution to be printed shall be delivered by the printer to the Secretary of the Publications and Printing Commission who shall receipt therefor to the printer; that there shall be printed 600 copies of the House and Senate Bills unless otherwise ordered by the house in which a bill is introduced; that 300 copies of the Daily Calendar be printed; that all resolutions, except memorial resolutions, requiring action by either house, be printed and numbered or lettered in bill form and shall not be printed in the journal unless by order of the house in which they are introduced; that the form of the Journal and the Calendar be the same as was adopted for the 1943 Session.

ROBERT GREISER, Chairman.

Senator Greiser moved the adoption of the report, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 1, have had the same under consideration and recommend that the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Military and Indian Affairs to whom was referred Senate Bill No. 4, have had

the same under consideration and recommend that the same do pass.

J. L. FLATT, Chairman.

Senator Flatt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 5, have had the same under consideration and recommend that the same do pass and be re-referred to the Committee on Appropriations.

E. C. STUCKE, Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 8, have had the same under consideration and recommend that the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the Senate do now recess until 1:30 p. m., March 22nd, which motion prevailed, and the Senate stood recessed.

WALTER TROUT, Secretary.

## THIRD DAY AFTER RECESS AND FOURTH DAY

Bismarck, March 22, 1944.

The Senate reconvened at 1:30 p. m., pursuant to recess taken.

Senator Young requested that the Senate be on the Seventh Order of Business, which request was granted.

Senator Young moved that Senate Bill No. 16 and Senate Concurrent Resolution "B" be re-referred to the Committee on Insurance, from the Judiciary Committee, which motion prevailed.

## REPORTS OF STANDING COMMITTEE

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 10, have had the same under consideration and recommend that the same be referred to the Committee on Appropriations with our recommendation that the same be passed.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 11, have had the same under consideration and recommend that the same be re-referred to the Committee on Appropriations with our recommendation that the same be passed.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 12, have had the same under consideration and recommend that the same be referred to the Committee on Appropriations with our recommendation that the same do pass.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 13, have had the same under consideration and recommend that the same do pass.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 14, have had the same under consideration and recommend that the same do pass.

J. B. BRIDSTON, Chairman.

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 17, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 18, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 20, have had the same under consideration and recommend that the same be amended as follows:

In the title strike out the language "until peace has been declared", and insert in lieu thereof the following language: "for three months after Congress has declared that hostilities have ceased, and declaring an emergency."

In line 14, after the word "Forces", insert a comma.

In line 24, strike out the words "until peace" and all the language on line 25 and in lieu thereof insert the following language: "for three months after congress has declared that hostilities have ceased."

Section 2. Emergency.

Renumber all lines accordingly.

And when so amended recommend the same be returned to the floor without further recommendation.

J. L. FLATT, Chairman.

Senator Flatt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Public Printing to whom was referred Senate Concurrent Resolution A, have had the same under consideration and recommend that the same do pass.

ROBERT GREISER, Chairman.

Senator Greiser moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the Senate do now recess until four o'clock, which motion prevailed, and the Senate stood recessed.

The Senate reconvened at the expiration of the recess.

The presiding officer announced that the Senate be on the fourth order of business.



WEDNESDAY, MARCH 22, 1944

19

State of North Dakota  
OFFICE OF ATTORNEY GENERAL

Bismarck, March 20, 1944.

Hon. Franklin Page,  
State Senator,  
Bismarck, North Dakota.

Dear Senator Page:

I have your letter of March 20, in which you request my opinion as to the legality of using State funds for the purchase of the reinsurance contract which was entered into by the North Dakota Hail Insurance Department some time ago.

I assume that you have reference to the contract which the Hail Insurance Department is reputed to have entered into with Lloyds of London for reinsurance on hail losses, and information regarding which was made public a few weeks ago. I draw your attention to the provisions of the amendment to the Constitution commonly referred to as the Jackpot Amendment, which provides that all public monies ". . . from whatever source derived," must be paid over monthly to the State Treasurer and ". . . paid out and disbursed only pursuant to appropriation first made by the Legislature; . . ." The amendment then goes on to appropriate certain funds for definite purposes, including funds required ". . . for the payment of losses, duly approved, payable from the State Hail Insurance Fund . . ."

In my opinion, funds of the Hail Insurance Department would be considered public monies and would therefore come within the provisions of the Jackpot Amendment. That being true, the expenditures of these funds without legislative appropriation for reinsurance is illegal.

Very truly yours,

ALVIN C. STRUTZ,  
Attorney General.

Senator Page moved that this communication be printed in the Journal, which motion prevailed.

State of North Dakota  
DEPARTMENT OF HAIL INSURANCE

Bismarck, March 21, 1944.

TO THE MEMBERS OF THE LEGISLATURE:

For the past several years I have been watching the trend of the Hail Department and have been particularly interested in the fact that each year we seem to be gaining in volume and usually that volume comes from the Western part of the State. Checking the reason for this, I find that for the past 25 years, the State Hail Insurance Department has been issuing an Annual Report showing storm maps and the areas mostly affected by hail. This has been a great advantage to the Stock and Mutual Companies doing hail business in the State, in that by actuarial deductions they know almost to a certainty where the hail is going to strike year after year, with the result that they have increased their rates in such territories to a much higher rate than what the State can charge under the present law, forcing that part of the State to insure with the State Hail Insurance Department.

In the Eastern part of the State, where the same report shows very little hail, they have been able to cut their rates as low as two per cent, making it impossible for the State Hail Insurance Department to compete with them. As much as three years ago, I could see where the continuation of this sort of hail insurance was going to impair the surplus of the Hail Fund, and I began shopping around for re-insurance to protect the surplus of the risks carried by the State Hail Fund. Both Mutual and Stock companies were solicited and all took the same attitude—that because of the fact that the State Hail Insurance Fund does not know what its rate is going to be until after the hail season is over and all losses paid, it is actuarially impossible to figure out a rate under which they would re-insure the Fund. We saw an impairment of the surplus in the 1942 hail season, and with the approach of the 1943 season, I again became worried about the Fund, and shopping around found that the agency representing the Lloyd's of London had been insuring the hail insurance funds carried by the two Western Provinces in Canada and Many Stock companies.

I contacted this company and they made us a proposition to pay 90% of all losses over 9%, with a maximum of \$200,000.00, at a premium rate of 1% of the total risk written by the Department. Studying Section 4 of the Hail Law, I was confident I had the authority to protect the fund of the Department, and by taking such a re-insurance policy, we made a profit of slightly over \$75,000.00 in 1943, and had we carried the same type of policy in 1942, the Department would have realized a profit of \$63,168.13.

I want to assure you Members of the Legislature that every move that we made was with the intention of protecting the Fund and perhaps demonstrate to the next session of the Legislature that it was possible to protect the Fund by re-insurance. Everything is on record and above-board and we understand that a resolution is to be introduced for a Legislative investigation of the Hail Department, and all other Departments under my supervision. Although we have been continually investigated for the last three years and \$15,000 of taxpayers' money spent to show that the Department has been operated open and above-board, I want to assure you, gentlemen, that we welcome still further investigation.

I note further that the Resolution provides that all bond transactions of this Department should be investigated. This, I assure you, will be very welcome on the part of the Department heads and myself. This is a direct slap at the Industrial Commission, made up of the Governor, the Attorney General, and the Commissioner of Agriculture and Labor, because no bonds can be bought or sold by this Department or other Departments of State without the approval of the Industrial Commission. This also is a slap at the Bank Examiner appointed by the Governor, because all Departments under my supervision are audited and examined annually by the Bank Examining Department and the State Board of Auditors and thus far no charges of irregularities have been made by those examining boards against my Departments.

Some two thousand years ago a man was crucified for trying to do something good for the common people of the

day. I understand that the Attorney General has handed down an opinion that we legally had no right to buy re-insurance for the Hail Department. Pontius Pilate, two thousand years ago, also handed down an edict and then stated, "I find no guilt in this man".

In closing, let me call to your attention to the fact that we have introduced a bill asking for legislative permission to protect the Hail Insurance Fund by re-insurance. As stated before, I have given a lot of thought and worry to the present Hail Insurance Law. Twice, during the last three Legislative sessions, we have introduced complete, revised and new, up-to-date Hail Insurance Laws which were passed by big majorities in both branches of the Legislature—in fact, in the last session there were only two dissenting votes in the Senate and eight in the House—only to find that the bills were vetoed by the Governor after the Legislature adjourned. Something must be done to revise the Hail Insurance Law and I am asking for a small appropriation of \$5,000 to hire a firm of actuaries to go over the entire experience of the Hail Department since its inception and promulgate and draft a new Hail Law to be presented to the next regular Legislative Session.

Allow me to state again that my Department heads and myself welcome any investigation on the part of the Honorable Body of the Legislature. I ask your fair consideration of these matters and humbly advise you that I will abide by whatever the Legislature sees fit to do.

Yours very respectfully,  
OSCAR E. ERICKSON,  
Commissioner of Insurance.

Senator Morgan of Walsh moved that the above communication be printed in the Journal, which motion prevailed.

#### REPORTS OF STANDING COMMITTEE

Mr. President: Your Committee on Game and Fish to whom was referred Senate Bill No. 2, have had the same under consideration and recommend that the same be amended as follows:

In the heading of the printed bill, after the period, following the words, "an emergency," strike out the period, and insert a semi-colon, and the following language: "and repealing all acts and parts of acts in conflict herewith."

In line 10, Section 2, of the printed bill, after the word "device", insert a comma and add the following language: "which may be approved by the State Game and Fish Commissioner."

Strike out lines 23, 24 and 25, and insert in lieu thereof the following language: "less than one hundred feet from any Federal, State or approved County highway, and not less than five hundred yards from any rural school, while functioning, or any inhabited dwelling without permission of the resident of said building; nor such any such device be used on the land without the permission of the owner or operator."

Section 3, line 28 of the printed bill, after the word "approval", strike out the period, insert a semi-colon and

the following language: "and repealing all acts or parts of acts in conflict herewith."

And when so amended recommend the same do pass.

H. R. MORGAN, Chairman.

Senator Morgan of Richland moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 5, have had the same under consideration and recommend that the same be amended as follows:

In line 13, strike out the words "the use" and insert the word "out" and recommend that the same be passed as amended.

And when so amended recommend the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 10, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the Bill, after the word, per diem, insert the following: and expenses.

And when so amended recommend the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 11, have had the same under consideration and recommend that the same be amended as follows:

In line 2, of the printed Bill, after the word the, insert the following: State Fire & Tornado Fund in the

And when so amended recommend the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 12, have had the same under consideration and recommend that the same be amended as follows:

In line 4 of the Bill, strike out the figures 35,000.00 and insert in lieu thereof 31,000.00.

And when so amended recommend the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 15, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the Bill, strike out the words "fifteen thousand

five hundred dollars" and insert the words, "sixteen thousand dollars."

In line 7, strike out the words "as follows", insert a comma after the word "Dakota" and add the following "and mileage, per diem, stenographic help and postage of the Governor's Advisory Committee".

Strike out all of Section 1 after line 7 of the Bill and insert the following "mileage and per diem of members, officers and employes; printing and miscellaneous.....\$15,645.00  
 Janitor service, Board of Administration..... 100.00  
 Mileage, per diem, stenographic help and postage  
 of the Governor's Advisory Committee..... 255.00  
\$16,000.00"

And renumber the lines accordingly.

And when so amended recommend the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 16, have had the same under consideration and recommend that the same do pass and be re-referred to the Committee on Appropriations.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Insurance to whom was referred Concurrent Resolution "B", have had the same under consideration and recommend that the same do pass.

FRANKLIN PAGE, Chairman.

Senator Page moved that the report be adopted, and that Concurrent Resolution "B" be printed in the Journal, which motion prevailed.

**CONCURRENT RESOLUTION "B"**

Introduced by Senator Page

To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or It's Representatives, and Fix Penalties for Refusal.

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

SECTION 1.) A Joint Legislative Committee, to consist of three members from the Senate and four members from the House of Representatives to be selected by each house, respectively, and to be known as the Interim Investigating Committee, is hereby established. The members shall serve until the close of the Regular 1945 Session of the Legislature.

SECTION 2.) It shall be the duty of such Committee to make a thorough investigation, within and without the State of North Dakota, concerning the operation of the several

departments, agencies, and funds which are under the jurisdiction of the Commissioner of Insurance. Said Committee shall report to the Regular Session of the Legislature its findings as to whether or not the Insurance Commissioner and the employees, agencies, departments, and funds within the Insurance Department, or any of them, have failed or refused to comply with legislation and resolutions passed by the Regular Session of 1943 or the Special Session of 1944; whether or not they or any of them have made payments for reinsurance not authorized by the Legislature; whether or not they or any of them have been engaged in questionable practices in the adjustment of losses; whether or not they or any of them have been involved in questionable bond transactions with or without the assistance of other state departments or institutions, and whether or not there are any other practices, acts or conduct in said departments, agencies or funds, by any of the officers or employers thereof, including the Commissioner and the heads of the several agencies, departments and funds, which should merit further or curative legislative action.

SECTION 3.) Said Committee may employ such legal and other expert assistance, and such clerical help, as it may deem necessary, and may incur all necessary or proper expense in connection therewith, and may delegate to any one or more members of the committee, or to any employee, the right to make such investigations and take such testimony or evidence, within or without this state, as may be deemed by the committee appropriate to secure the necessary information for committee action.

SECTION 4.) The Committee, and any sub-committee, member or representative or employee duly authorized by the Committee, shall have the power to administer oaths in connection with such investigation to issue subpoenas and require the production of books, records, and documents before them, and all persons, including all officers and employees of the State and all of its departments, agencies, institutions and enterprises, and of all counties and other political subdivisions of the state shall be required to obey the said subpoenas and orders to produce at any place designated therein within the county of their residence, official residence or where their business is carried on, and for failure or refusal to obey such subpoena or order to produce, or for refusal to testify on oath or affirmation in the manner provided by law for testimony in court or on deposition, the person so failing or refusing shall be punished for contempt of the Legislature as provided by law, and falsely testifying before any such member or authorized representative, shall constitute perjury and be punished as such.

SECTION 5.) All corporations and all officers, agents, servants and employees of all corporations licensed or authorized to do business within this state by any authority of the state, (such as the Insurance Commissioner, State Banking Board, Secretary of State and all other licensing and supervisory authorities), shall be required to obey all subpoenas and orders to produce issued by the Committee or its authorized member or representative as provided in the previous section, at any place within the county where it shall have

its principal office or any other office which may have evidence, records and documents desired by the Committee or its authorized member or representative, whether within or without this state, and in case of the failure or refusal of any such corporation or any of its officers, agents or servants to obey any such subpoena or order to produce, or to appear and testify under oath or affirmation, concerning the matters requested, the committee shall forthwith make report of the facts of such failure or refusal to the supervising or licensing authority of this State, and it shall thereupon be the mandatory duty of such supervising or licensing authority or officer to give said corporation 10 days' notice in writing by registered mail of intention to cancel the license or authority of said corporation to do business within this State, and at the expiration of said 10 day period said licensing or supervisory authority shall hear evidence only upon the question of the failure or refusal to obey such subpoena or order to produce, and if the evidence shall show such refusal or failure, the license and authority of said corporation to do business in this State shall be forthwith cancelled and revoked; and in case of the failure of said supervising or licensing authority to give such notice, or in case of the failure or refusal of the supervising authority to cancel and revoke such license after such hearing, the said Committee may institute an action in the District Court, in the nature of a writ of mandamus, to compel such cancellation and revocation by the supervising and licensing authority, and upon the hearing before the Court, the Court shall pass upon the evidence as to whether or not there has been such failure or refusal to obey such subpoenas or orders to produce, and if the Court shall find such failure or refusal, the Court shall order the license and authority cancelled by the licensing or supervisory authority or officer.

SECTION 6.) The members of the Committee shall, except during the time which any Legislature at which they, individually, are members, shall be in session, shall be paid a per diem of \$5.00 for each day that the work of the Committee shall require their presence away from their place of residence, in addition to their actual travel expense.

SECTION 7.) All expenses of the Committee, including per diem and actual expenses incurred by committee members, and all compensation and expenses of employees of the Committee, shall be paid out of the fund created by the appropriation made by this Legislature for this purpose, upon vouchers approved and signed by the chairman of the Committee.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Mileage and Per Diem beg leave to make the following report:

#### SENATE SPECIAL SESSION

1944

Mileage for the Senate Members of the Twenty-eighth Special Legislative Assembly showing the number of miles actually traveled and the amount due each member at the rate of 10c per mile.

Dist. No.	NAME AND ADDRESS	By Car	By Bus	By Rail	Total Miles	Amt. Due at 10c Per Mile
1	Franklin Page, Hamilton .....		708		708	\$70.80
2	Walter Troxel, Berthold .....	8		424	432	43.20
3	Harry O'Brien, Park River .....			662	662	66.20
4	Rilie Morgan, Grafton .....			619	619	61.90
5	Oliver Bilden, Northwood .....			540	540	54.00
6	Carroll E. Day, Grand Forks .....			546	546	54.60
7	J. B. Bridston, Grand Forks .....			546	546	54.60
8	C. N. Brunsdale, Mayville .....			500	500	50.00
9	Geo. C. Hoenck, Fargo .....			388	388	38.80
10	Frank H. Beaton, Fargo .....	382			382	38.20
11	Wm. Watt, Leonard .....	80		388	468	46.80
12	W. J. Braun, Wahpeton .....			478	478	47.80
13	A. N. Lavik, Milnor .....		4	562	566	56.60
14	J. F. Flatt, Sheldon .....		6	472	478	47.80
15	P. L. Foss, Valley City .....		272		272	27.20
16	S. C. Nelson, Finley .....	20		558	578	57.80
17	R. R. Lofthus, McVile .....		6	614	620	62.00
18	W. H. Porter, Calvin .....			804	804	80.40
29	O. G. Nordhougen, Leeds .....	434			434	43.40
21	G. F. Drew, Devils Lake .....			616	616	61.60
22	J. J. Kehoe, Cando .....			616	616	61.60
23	G. I. Feton, Jamestown .....			204	204	20.40
24	Milton Young, Berlin .....			324	324	32.40
26	E. H. Brant, Linton .....	128			128	12.80
27	Milton Rue, Bismarck .....	2				.20
28	Wm. A. Thatcher, Bottineau .....			578	578	57.80
29	Walter R. Bond, Minot .....			380	380	38.00
30	P. W. Blank, Mandan .....		12		12	1.20
31	M. J. Raschko, Dickinson .....	230			230	23.00
32	C. W. Schrock, New Rockford .....			324	324	32.40
33	R. M. Streibel, Fessenden .....		18	458	476	47.60
34	Martin Olson, Butte .....			246	246	24.60
35	John J. Adam, Drake .....		16	280	296	29.60
36	Rob. Greiser, Wishek .....	200			200	20.00
37	H. R. Morgan, Walcott .....		80	388	468	46.80
38	Melvin Olson, Nome .....	340			340	34.00
39	Gust Wog, Belfield .....		36	270	306	30.60
40	R. H. Lynch, Fortuna .....		14	680	694	69.40
41	Hjalmer Nelson, Schafer .....		8	220	326	55.40
42	Knute Oksendahl, Rugby .....			502	502	50.20
43	Albert Nelson, Glenburn .....			460	460	46.00
44	Axel Olson, Parshall .....	300			300	30.00
19	H. C. Guenther, Rolla .....			748	748	74.80
45	Iver Solberg, Ray .....		534		534	53.40
46	E. C. Stucke, Garrison .....			146	146	14.60
47	William Kamrath, Leith .....		10	206	216	21.60
48	Harry Semerad, Dickinson .....	252			252	25.20
	Total Mileage .....					\$2,019.10

WM. WATT, Chairman.

Senator Watt moved that the report be printed in the Journal, and adopted by roll call at this time, which motion



prevailed as the report is the same as for the regular 28th legislative assembly.

ROLL CALL

The question being on the adoption of the mileage report, the roll was called and there were ayes, 26; nays, 0; absent and not voting, 22.

Those voting in the affirmative were:

Adam	Greiser	Rue
Bilden	Lavik	Schrock
Blank	Lofthus	Semerad
Bond	Morgan, Walsh	Solberg
Brant	Nelson, Griggs-	Streibel
Bridston	Steele	Stucke
Drew	Nelson, McKenzie	Troxel
Flatt	Olson, McHenry	Watt
Foss	Olson, Mountrail	Young

Absent and not voting:

Beaton	Kamrath	Oksendahl
Braun	Kehoe	Olson, Barnes
Brunsdale	Lynch	Page
Day	Morgan, Richland	Porter
Feton	Nelson, Renville	Raschko
Ginter	Nordhougen	Thatcher
Guenther	O'Brien	Wog
Hoencck		

So the report was declared adopted.

Senator Young moved that the Senate do now adjourn, which motion prevailed and the Senate stood adjourned.

W. J. TROUT, Secretary.

FOURTH DAY

Bismarck, March 22, 1944.

The Senate convened at two o'clock p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by the Chaplain, Rev. Teare of Bismarck.

Roll call: All Senators present except Senators Brunsdale and Ginter.

Senator Watt moved that Senator Brunsdale be excused, which motion prevailed.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Second Day After Recess and Third Day and find the same correct.

ORRIS G. NORDHOUGEN, Chairman.

Senator Nordhougen moved that the report be adopted, which motion prevailed and the report was adopted.

PETITIONS AND COMMUNICATIONS

The Secretary read a communication from Governor Moses including a communication from the Board of County Commissioners of Cavalier County, regarding soldiers vote, and the setting aside of state and county lands for the returned soldier.

Senator O'Brien moved that this communication be referred to the Committee on Taxes and Tax Laws, which motion prevailed.

The Secretary read a communication from Governor Moses including a communication from Helmuth Froeschle regarding the soldiers vote. Senator Day moved that this com-

munication be referred to the Committee on Military and Indian Affairs, which motion prevailed.

The Secretary read a communication from the Junior Chamber of Commerce regarding the creation of a Department of Aeronautics, which was referred to the Committee on State Affairs.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Hoenck	Olson, McHenry
Beaton	Kehoe	Olson, Mountrail
Bilden	Lavik	Page
Blank	Lofthus	Porter
Bond	Lynch	Raschko
Brant	Morgan, Walsh	Rue
Braun	Morgan, Richland	Schrock
Bridston	Nelson, Griggs-	Semerad
Day	Steele	Solberg
Drew	Nelson, McKenzie	Streibel
Feton	Nelson, Renville	Stucke
Flatt	Nordhogen	Thatcher
Foss	O'Brien	Troxel
Greiser	Oksendahl	Watt
Guenther	Olson, Barnes	Young
Absent and not voting:		
Brunsdåle	Kamrath	Wog
Ginter		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Watt moved that the vote by which Senate Bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Young moved that the Senate be on the fifteenth order of business and then recess until eleven o'clock, which motion prevailed, and the Senate stood recessed.

W. J. TROUT, Secretary.

## FOURTH DAY AFTER RECESS AND FIFTH DAY

Bismarek, March 23, 1944.

The Senate reconvened at 11:00 a. m., pursuant to recess taken, with Senator Drew presiding.

Senator Streibel requested that the Senate be on the eighth order of business, which request was granted.

Senator Streibel: "Mr. President: Last evening Senator Nordhousen received news of the tragic death of his father. I move you that the President appoint a committee of four to prepare proper resolutions of sympathy to be forwarded to Senator Nordhousen and his family and to also receive contributions for a proper floral tribute."

The motion of Senator Streibel passed and the presiding officer appointed as such committee Senators Streibel, Greiser, Day and Foss.

Senator Young moved the above committee be made permanent until the next legislative session, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 6, have had the same under consideration and recommend that the same be amended as follows:

In line 5 of the printed bill following the word "States", insert the following language: "wherever located, or serving in the American Red Cross, the Merchant Marine or the United Service Organizations outside the territorial limits of the United States,".

In line 7 of the printed bill, strike out the word "special".

Strike out all of the lines 24 to 44 inclusive, of the printed bill and insert in lieu thereof the following: "We as witnesses to the signature of the above named elector hereby certify that we know such elector and know that his signature thereto is genuine.

---

 Witnesses
 

---

(c) Such proxy appointment shall be signed in his own hand by the elector on the line on which the letter X appears, in the presence of two of his comrades who shall sign as witnesses to the signature of such elector on the blank lines therefor."

In line 54 of the printed bill following the word "address" insert the following language: "and each change in such address as same may occur".

Strike out lines 57, 58 and 59 of the printed bill and in lieu thereof, insert the following language: "in his office of the names and addresses so furnished him and the date of mailing each proxy appointment and shall keep such record concealed from the public".

In line 61 of the printed bill after the word "address" insert the following: "and thereafter in each election year".

In line 61 of the printed bill strike out the words "or her" and insert in lieu thereof "at his last furnished address".

In line 64 of the printed bill after the word "office" insert the following: "should such mailing be done in any such year before the primary election therein, such county auditor shall mail two copies of the proxy appointment to the elector, one marked 'Primary Election Proxy' and the other 'General Election Proxy'".

In line 88 of the printed bill, strike out the word "elector" and insert the word "voter".

In line 89 of the printed bill, strike out the words "an elector" and insert in lieu thereof the words "a resident".

In line 92 of the printed bill, strike out the words "where he resides and".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 7, have had the same under consideration and recommend that the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 9, have had the same under consideration and recommend that the same do pass.

J. J. KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 19, have had the same under consideration and recommend that the same be indefinitely postponed.

G. I. FETON, Chairman.

Senator Bridston moved that action on the report of the Committee on Elections on Senate Bill No. 19 be postponed until one of the sponsors arrived in the chamber, which motion prevailed.

Mr. President: Your Committee on Public Welfare to whom was referred Senate Concurrent Resolution "C," have had the same under consideration and recommend that the same do pass.

G. F. DREW, Chairman.

Senator Drew moved that the report be adopted, which motion prevailed and the report was adopted.

SECOND READING OF SENATE BILLS

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Was read the second time.

Senator O'Brien moved that Senate Bill No. 4 be amended as follows:

After line 11, insert a new sections as follows: "The provisions of this bill shall be retroactive to January 1st, 1942."

Senator Day made a substitute motion to Senate Bill No. 4 as follows:

A section to be inserted before the emergency clause as follows: "That any fees collected heretofore by any clerk of any district court in any court of th state for the filing of such discharge papers may be refunded to the party paying the same, in application therefore".

Senator Day withdrew his motion and moved that Senate Bill No. 4 be re-referred to the Committee on Military and Indian Affairs, which motion prevailed.

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Beaton	Hoencck	Page
Bilden	Kamrath	Porter
Blank	Kehoe	Raschko
Bond	Lavik	Rue
Brant	Lofthus	Schrock
Braun	Lynch	Semerad
Bridston	Morgan, Walsh	Solberg
Day	Nelson, McKenzie	Streibel
Drew	Nelson, Renville	Stucke
Feton	O'Brien	Thatcher
Flatt	Oksendahl	Troxel
Foss	Olson, Barnes	Watt
Greiser	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young

Absent and not voting:

Adam	Morgan, Richland	Nordhousen
Brunsdale	Nelson, Griggs-	
Ginter	Steele	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Flatt moved that the vote by which Senate Bill

No. 8 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Blank moved that Senate Bill No. 2 be laid over until the chairman of the Committee on Game and Fish, Senator Morgan of Richland, arrived in the Chamber, which motion prevailed.

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Beaton	Lavik	Page
Bilden	Lofthus	Porter
Blank	Lynch	Raschko
Bond	Morgan, Walsh	Rue
Brant	Morgan, Richland	Schrock
Braun	Nelson, Griggs-	Semerad
Bridston	Steele	Solberg
Drew	Nelson, McKenzie	Streibel
Feton	Nelson, Renville	Stucke
Flatt	O'Brien	Thatcher
Foss	Oksendahl	Troxel
Greiser	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
Hoenck	Olson, Mountrail	Young
Kamrath		

Absent and not voting:

Adam	Day	Kehoe
Brunsdale	Ginter	Nordhougen

So the bill passed and the title was agreed to and the emergency clause declared carried.

Sentor Blank moved that the vote by which Senate Bill No. 5 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Beaton	Lavik	Page
Bilden	Lofthus	Porter

Blank	Lynch	Raschko
Bond	Morgan, Walsh	Rue
Brant	Morgan, Richland	Schrock
Braun	Nelson, Griggs-	Semerad
Bridston	Steele	Solberg
Drew	Nelson, McKenzie	Streibel
Feton	Nelson, Renville	Stucke
Flatt	O'Brien	Thatcher
Foss	Oksendahl	Troxel
Greiser	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
Hoencck	Olson, Mountrail	Young
Kamrath		

Absent and not voting:

Adam	Day	Kehoe
Brunsdale	Ginter	Nordhougen

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Morgan of Richland moved that the vote by which Senate Bill No. 2 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 38; nays, 4; absent and not voting, 6.

Those voting in the affirmative were:

Beaton	Kamrath	Olson, McHenry
Bilden	Lavik	Page
Blank	Lofthus	Porter
Bond	Lynch	Raschko
Brant	Morgan, Walsh	Rue
Braun	Morgan, Richland	Schrock
Bridston	Nelson, Griggs-	Semerad
Drew	Steele	Solberg
Feton	Nelson, McKenzie	Stucke
Flatt	Nelson, Renville	Troxel
Foss	O'Brien	Watt
Guenther	Oksendahl	Wog
Hoencck	Olson, Barnes	Young

Those voting in the negative were:

Greiser	Streibel	Thatcher
Olson, Mountrail		

Absent and not voting:

Adam	Day	Kehoe
Brunsdale	Ginter	Nordhougen

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Bridston moved that the vote by which Senate Bill No. 13 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Watt moved that Senate Bill No. 14 be amended as follows: In the next to the last line of the title change the word "four" to "three and one-half", and amend line nine in the body of the bill in the same manner, which motion prevailed.

Senator Thatcher moved that Senate Bill No. 14 be amended as follows: in line 8, change the word "twelve" to "fifteen", which motion prevailed.

Senator Thatcher moved that the rules be suspended and that Senate Bill No. 14 be considered properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed.

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Beaton	Kamrath	Olson, Mountrail
Bilden	Kehoe	Porter
Blank	Lavik	Raschko
Bond	Lofthus	Rue
Brant	Lynch	Schrock
Braun	Morgan, Walsh	Semerad
Bridston	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	Nelson, McKenzie	Thatcher
Flatt	Nelson, Renville	Troxel
Foss	O'Brien	Watt
Greiser	Oksendahl	Wog
Guenther	Olson, Barnes	Young
Hoencck	Olson, McHenry	

Absent and not voting:

Adam	Ginter	Page
Brunsdale	Nordhogen	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Day moved that the vote by which Senate Bill No. 14 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Troxel moved that further consideration of Senate Bill No. 20 be indefinitely postponed.



A division was called for and the motion was declared carried, with the presiding officer voting "aye" on a division of twenty-twenty.

Senator Braun moved that the vote by which Senate Bill No. 20 was indefinitely postponed be reconsidered and that Senate Bill No. 20 be placed at the foot of the calendar, which motion prevailed.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Was read the second time.

Senator Page moved that Senate Bill No. 10, as amended by the Committee on Appropriations, be amended to strike out the words "and expenses," after the words "per diem" in line four of the printed bill.

Senator Bridston made a substitute motion that Senate Bill No. 10 be placed at the foot of the calendar, which motion was declared lost on a rising vote.

The question now being on the original motion of Senator Page, the question was put and carried.

Senator Young moved that the rules be suspended and that Senate Bill No. 10 be considered properly re-engrossed and placed on second reading and final passage, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Hoenc	Page
Beaton	Kamrath	Porter
Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, McKenzie	Stucke
Drew	Nelson, Renville	Thatcher
Feton	O'Brien	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther	Olson, Mountrail	

Absent and not voting:

Brunsdale	Nelson, Griggs-	Nordhoughen
Ginter	Steele	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which Senate Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Pro-

vided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Hoenck	Page
Beaton	Kamrath	Porter
Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, McKenzie	Stucke
Drew	Nelson, Renville	Thatcher
Feton	O'Brien	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther	Olson, Mountrail	

Absent and not voting:

Brunsdale	Nelson, Griggs-	Nordhougen
Ginter	Steele	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Lofthus moved that the vote by which Senate Bill No. 11 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Hoenck	Page
Beaton	Kamrath	Porter
Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, McKenzie	Stucke
Drew	Nelson, Renville	Thatcher
Feton	O'Brien	Troxel

Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther	Olson, Mountrail	

Absent and not voting:

Brunsdale	Nelson, Griggs-	Nordhougen
Ginter	Steele	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which Senate Bill No. 12 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 23, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

Senator Young requested that the Senate be on the Seventh Order of Business, which request was granted.

Senator Young moved that we be on the Fifteenth Order of Business and that at the conclusion of this order of business, the Senate recess until 1:45 p. m., which motion prevailed and the Senate stood recessed.

The Senate reconvened at the expiration of the recess, with the presiding officer in the chair.

The presiding officer announced that the Senate would be on the Fifth Order of Business for the consideration of Committee reports.

The report of the Committee on Elections on Senate Bill No. 19 was read again. This report had been held up until one of the sponsors, Senator Morgan of Richland, was present in the Chamber.

Senator Morgan of Richland made a substitute motion (to the motion of Senator Fetton that the report of the Com-

mittee on Elections, that Senate Bill No. 19 be indefinitely postponed) that Senate Bill No. 19 be placed on the Calendar, which motion lost on a division vote.

The Secretary read a speech prepared by Senator Streibel. Senator Lynch moved that the remarks be printed in the Journal, which motion prevailed.

Today, more than ever in the history of this State the people in general and the legislators in particular are confronted with problems that demand clear thinking. Now when nearly everything we do is done in an inverse manner. Where yesterday our every effort was directed toward a more comfortable and higher standard of living the world over, we are today building implements of destruction. And before this year ends who knows what the financial and moral status of our beloved country will be.

I am not here to defend nor offend any national representative. I mention this only to point out to this assembly the danger of confused thinking because of these conditions. I am not unmindful of the terrible mental suffering that many fathers, mothers and sweethearts have experienced because of a loved one killed in action.

But sad as it may seem, the fact remains, that lawmakers deal only in the concrete. What little abstract comfort is available usually comes from some other source. Therefore to face the fact honestly, let us ask ourselves, what must we do to conscientiously discharge our duties during this session.

When my attention was first called to a probable special session the Governor did it in connection with a letter concerning a special election in Wells County to replace Mr. Meyers, our representative. He mentioned among other things that if a special session was necessary it would be limited to but one or two subjects and possibly a few minor amendments incident thereto. For that reason he deemed the expenditure of money on a special election unnecessary. That letter did not reach me for many weeks, as I was away from home. When it did reach me, however, my mind was at ease because of the fact that I had the assurance that the session would be limited to but one or two subjects and that efforts to turn it into a general session should be avoided. In view of these facts you can imagine my consternation while listening to the Governor's message on March the 20th when my ears said to my eyes, you lied to us when you read that letter in California from the chief executive of North Dakota. Your power of perception is not to be trusted.

Mr. President and fellow Senators, here are, the true facts. Now that the voices of Senator Nelson and Representative Meyers are stilled in death and that of Senator Ginter absent we are asked to consider two of the most controversial measures that this body ever had up for consideration, namely, the lowering of the voting age from 21 to 18 and the anti-deficiency judgment law when only a year ago these very same measures were up for consideration and defeated, should it be necessary to again discuss them during this Special Session. These measures are not of such great importance that they can't be postponed for another nine months when our regular session will be held.

The question was now on the motion of Senator Fetton that the report of the Committee on Election on Senate Bill No. 19, be accepted, was put and declared carried.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 3, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything contained in Sections 3 and 4 of the printed bill and insert in lieu thereof the following:

Section 3. Nothing contained in Section 1 hereof shall abrogate existing redemption or re-purchase rights or privileges of former owners actually operating or residing on land at the time of purchase, and such rights or privileges shall remain in full force and effect as heretofore granted by law.

Strike out the figure "5" in Line 21 of the printed bill and insert the figure "4" in lieu thereof.

Insert in Line 24 of the printed bill following the second word "of" the word "approximately", so that Line 24 will read "of land of approximately 160 acres or less shall, in the judgment of."

Strike out the figure "6" in Line 28 of the printed bill and insert in lieu thereof the figure "5".

And when so amended recommend that it be placed on the calendar without any recommendation.

J. B. BRIDSTON, Chairman.

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Military Affairs to whom was referred Senate Bill No. 4, have had the same under consideration and recommend that the same be amended as follows:

In line 5 of the title, after the word "emergency", insert the following language: "legalizing previous filings, exempting clerks of court from certain accountability,".

After line 11, insert "Section 2. Provided that where Clerks of Court have reported discharge papers without charging the recording fee provided by law, said recording is hereby declared legalized. In no such case shall clerk of court be held responsible to his respective county in cases where filing fees have not been collected."

Re-number subsequent sections accordingly.

And when so amended recommend the same do pass.

J. L. FLATT, Chairman.

Senator Flatt moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives,

Bismarck, March 23, 1944.

Mr. President: I have the honor to transmit herewith the following House Bills and House Concurrent Resolutions:

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

House Concurrent Resolution No. 3.

House Concurrent Resolution No. 5.

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

Which the House has passed and your favorable consideration is respectfully requested.

W. M. SMART, Chief Clerk.

Senator Flatt moved that our records be corrected to show that Mr. Willoughby, the cloakroom attendant, was employed on the first day of the session and Mr. Monaghan as proofreader, as of the third day.

#### ROLL CALL

The roll was called and there were ayes, 45; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Page
Beaton	Kehoe	Porter
Bilden	Lavik	Raschko
Blank	Lofthus	Rue
Bond	Lynch	Schrock
Brant	Morgan, Walsh	Semerad
Braun	Morgan, Richland	Solberg
Bridston	Nelson, Griggs-	Streibel
Day	Steele	Stucke
Drew	Nelson, McKenzie	Thatcher
Feton	Nelson, Renville	Troxel
Flatt	O'Brien	Watt
Foss	Oksendahl	Wog
Greiser	Olson, Barnes	Young
Guenther	Olson, McHenry	
Hoenck	Olson, Mountrail	

Absent and not voting:

Brunsdale	Ginter	Nordhogen
-----------	--------	-----------

So. Mr. Willoughby and Mr. Monaghan were declared elected in accordance with the motion of Senator Flatt.

Senator Young moved that the Senate do now adjourn, which motion prevailed, and the Senate stood adjourned.

W. J. TROUT, Secretary.

#### FIFTH DAY

Bismarck, March 23, 1944.

The Senate convened at two o'clock p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by the Chaplain, Rev. Hamblin, of Bismarck.

Roll Call: All Senators present except Ginter, Brunsdale and Nordhougen.

Senator Watt moved that Senators Brunsdale and Nordhougen be excused, which motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The Secretary read a telegram from the Devils Lake Chamber of Commerce on congressional support of river and harbors omnibus bill.

Senator Braun moved that the above communication be referred to the Committee on Irrigation and Drainage, which motion prevailed.

Senator Day moved that the rules be suspended, that Senate Bill No. 6 be considered properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

#### COMMITTEE ON REVISION AND CORRECTION

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Third Day after Recess and the Fourth Day and recommend that the same be corrected as follows:

Page 28, seventh line from the bottom, strike out the period and add the words, "and the emergency clause was declared carried."

And when so corrected recommend that the same be approved.

J, J, KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

#### FIRST READING OF CONCURRENT RESOLUTIONS

Senate Concurrent Resolution "E" was read for the first time.

#### SENATE CONCURRENT RESOLUTION "E"

Introduced by the Appropriations Committee

WHERE, Prior to the opening of the extraordinary session of the legislature on March 20, 1944, the Governor called together certain members of the legislature at Bismarck for the purpose of making plans and arrangements to save time and expense at such extraordinary session,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA IN EXTRAORDINARY SESSION ASSEMBLED, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: That the members of such legislative committee shall be allowed mileage and per diem for attending such meeting at the same rates authorized by law for legislators attending sessions of the legislature; and that stenographic and postage expenses incurred in connection with the work of said committee be allowed and paid on vouchers approved by the Governor.

Senator Watt moved that Senate Concurrent Resolution "E" be adopted, which motion prevailed.

Senator Day asked that the Senate be on the fifth order of business, which request was granted.

Senator Day moved that the report of the Committee on Elections be amended to include the following amendment: In the title of the bill on the second line of the mimeographed copy after the word "country", the following words be included "or members of the American Red Cross, merchant marine, or the United Service organizations outside the territorial limits of the United States" and that in line six following the word "states" that the words "wherever located or serving" be stricken out, which motion prevailed.

Senator Day moved that the committee report be adopted, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 6. A Bill for an Act Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine, or the United Service Organizations Outside the Territorial Limits of the United States, as a Result of Any War in Which the United States of America May Be Engaged, and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duty of the County Auditor, and Declaring an Emergency.

Was read the second time.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 36; nays, 9; absent and not voting, 3.

Those voting in the affirmative were:

Adam	HoencK	Olson, Barnes
Beaton	Kamrath	Olson, McHenry
Bilden	Kehoe	Olson, Mountrail
Blank	Lavik	Page
Bond	Lofthus	Porter
Brant	Lynch	Raschko
Braun	Morgan, Richland	Rue
Bridston	Nelson, Griggs-	Semerad
Day	Steele	Solberg
Drew	Nelson, McKenzie	Streibel
Feton	Nelson, Renville	Troxel
Foss	O'Brien	Wog
Guenther		

Those voting in the negative were:

Flatt	Oksendahl	Thatcher
Greiser	Schrock	Watt
Morgan, Walsh	Stucke	Young

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Day moved that the vote by which Senate Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Watt moved that Senate Bill No. 15 be amended as follows: At the end of the title, strike out the period and



add the following words "and the expenses of the Governor's Advisory Committee and declaring an emergency"; and in line 12 before the word "Janitor" insert the word "Legislative" and after the word "Service" add the following words and figure "for the 1944 Special Legislative Session." Which motion prevailed.

Senator Watt moved that the rules be suspended and that Senate Bill No. 15 be considered properly engrossed as amended, and placed on second reading and final passage, which motion prevailed.

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

\*The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Hoenck	Olson, McHenry
Beaton	Kamrath	Olson, Mountrail
Bilden	Kehoe	Porter
Blank	Lavik	Raschko
Bond	Lofthus	Rue
Brant	Lynch	Schrock
Braun	Morgan, Walsh	Semerad
Bridston	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	Nelson, McKenzie	Thatcher
Flatt	Nelson, Renville	Troxel
Foss	O'Brien	Watt
Greiser	Oksendahl	Wog
Guenther	Olson, Barnes	Young

Absent and not voting:

Brunsdale	Nordhougen	Page
Ginter		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Brant moved that the vote by which Senate Bill No. 15 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the Concurrent Resolution, the roll was called and there were ayes, 37; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Adam	Hoenck	Olson, Mountrail
Beaton	Kamrath	Page

Blank	Kehoe	Porter
Bond	Lavik	Rue
Brant	Lofthus	Schrock
Braun	Lynch	Semerad
Bridston	Morgan, Walsh	Solberg
Drew	Morgan, Richland	Streibel
Feton	Nelson, Griggs-	Stucke
Flatt	Steele	Thatcher,
Foss	Nelson, McKenzie	Troxel
Greiser	Oksendahl	Young
Guenther	Olson, McHenry	

Absent and not voting:

Bilden	Nelson, Renville	Raschko
Brunsdale	Nordhougen	Watt
Day	O'Brien	Wog
Ginter	Olson, Barnes	

So the Concurrent Resolution passed and the title was agreed to.

Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the Resolution, the roll was called and there were ayes, 37; nays, 7; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Kamrath	Porter
Blank	Kehoe	Raschko
Bond	Lavik	Rue
Brant	Lofthus	Schrock
Braun	Lynch	Semerad
Bridston	Morgan, Walsh	Solberg
Day	Morgan, Richland	Streibel
Drew	Nelson, Griggs-	Stucke
Feton	Steele	Troxel
Flatt	O'Brien	Watt
Foss	Oksendahl	Wog
Guenther	Olson, Barnes	Young
Hoeneck	Page	

Those voting in the negative were:

Beaton	Nelson, McKenzie	Olson, Mountrail
Bilden	Olson, McHenry	Thatcher

Greiser

Absent and not voting:

Brunsdale	Nelson, Renville	Nordhougen
Ginter		

So the Resolution was passed and the title was agreed to. Senator Porter moved that the vote by which Senate Resolution "B" was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Olson of Mountrail: "Mr. President, I want to explain my vote. I think \$20,000 is too much to pay for a smell. I vote 'No'."

Senator Streibel: "Mr. President, I want to explain my vote. I think \$20,000 is a small sum to pay to remove the stink."

Senator Stucke: "Mr. President, I want to explain my vote. Ordinarily I would have voted 'No' on any more snooping expeditions but where we are up against a proposition where the Attorney General, the Commissioner of Insurance and a former employee of the Department of Insurance, all demanding an investigation, we have to give them what they want. I am voting 'Yes'."

Senate Concurrent Resolution "C."

Was read the second time.

The question being on the final passage of the Resolution, it was declared passed on a voice vote.

Senator Bond moved that the vote by which Senate Resolution "C" was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### FIRST READING OF HOUSE BILLS AND RESOLUTIONS

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

Was read the first time and referred to the Committee on State Affairs.

House Concurrent Resolution No. 3.

Was read the first time and referred to the Committee on State Affairs.

House Concurrent Resolution No. 5.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

#### FIRST READING OF SENATE RESOLUTION

Senate Resolution "D" was read for the first time.

#### SENATE RESOLUTION D

Introduced by Senators Strëibel, Greiser, Day and Foss

WHEREAS, it has come to the attention of this Senate that grief and sorrow have entered the home of our Colleague

Senator Orris G. Nordhougen, by reason of the tragic death of his father on March 22nd, and

WHEREAS, Senator Nordhougen is held in the highest esteem by the members of this body, who share with him the sorrow brought to him at this time, therefore,

BE IT RESOLVED, by the Senate of the State of North Dakota, that in this time of toil and tribulation we pause in our deliberations to extend our sincerest sympathies to Senator Hordhougen and the members of his family, and

BE IT FURTHER RESOLVED, that this resolution be printed in the Journal and an enrolled copy be presented to our colleague, Senator Nordhougen.

Senator Streibel moved that Senate Resolution "D" be adopted by a rising vote, which motion prevailed and Senate Resolution "D" was declared adopted on a rising vote. The Senate stood for one minute in silence in respect to Senator Nordhougen by reason of the tragic death of his father on March 22nd.

Senator Flatt moved that Senate Bill No. 20 be placed at the foot of the Calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 34; nays, 8; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Hoenck	Rue
Beaton	Kamrath	Schrock
Bilden	Lavik	Semerad
Blank	Lynch	Solberg
Bond	Morgan, Walsh	Streibel
Braun	Nelson, Griggs-	Stucke
Bridston	Steele	Thatcher
Day	Oksendahl	Troxel
Feton	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Greiser	Olson, Mountrail	Young
Guenther	Raschko	

Those voting in the negative were,

Brant	Kehoe	O'Brien
Drew	Lofthus	Porter
Flatt	Morgan, Richland	

Absent and not voting:

Brunsdale	Nelson, McKenzie	Nordhougen
Ginter	Nelson, Renville	Page

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Braun moved that the vote by which Senate Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Watt: "Mr. President, I want to explain my vote. I think it is absolutely worthless. It is not going to help any returned soldier get land, but I will vote 'aye', anyway."

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Adam	Hoencck	Page
Beaton	Kamrath	Porter
Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, Griggs-	Stucke
Drew	Steele	Thatcher
Feton	O'Brien	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther	Olson, Mountrail	

Absent and not voting:

Brunsdale	Nelson, McKenzie	Nordhougen
Ginter	Nelson, Renville	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which Senate Bill No. 4 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Hoencck	Olson, Mountrail
Beaton	Kamrath	Porter

Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, Griggs-	Stucke
Drew	Steele	Thatcher
Feton	O'Brien	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther		

Absent and not voting:

Brunsdale	Nelson, McKenzie	Nordhougen
Ginter	Nelson, Renville	Page

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Day moved that the vote by which Senate Bill No. 7 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Hoencck	Olson, Mountrail
Beaton	Kamrath	Page
Bilden	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, Griggs-	Stucke
Drew	Steele	Thatcher
Feton	O'Brien	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Greiser	Olson, McHenry	Young
Guenther		

Absent and not voting:

Brunsdale	Nelson, McKenzie	Nordhougen
Ginter	Nelson, Renville	Porter

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Flatt moved that the vote by which Senate Bill No. 9 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 23, 1944.

Mr. President: I have the honor to transmit herewith the following Resolutions:

Joint Memorial Resolutions A, B and C.

Which the Speaker has signed and the signature of the President of the Senate is requested.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 23, 1944.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

House Bill No. 29. A Bill for an Act Making an Appropriation from the General Fund of the State to the Veterans Post War Rehabilitation Reserve Fund to Carry Out the Provisions of Chapter 180 of the Session Laws of 1943, Such Appropriation to Be in Addition Thereto; and Declaring an Emergency.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the House has passed and your favorable consideration is respectfully requested.

W. M. SMART, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 23, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and

Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

#### FIRST READING OF HOUSE BILLS

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senator Watt moved that House Bill No. 6 be re-referred to the Committee on State Affairs, which motion prevailed.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars



(\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Appropriations.

Senator Young moved that House Bill No. 17 be re-referred to the Committee on State Affairs, which motion prevailed.

House Bill No. 29. A Bill for an Act Making an Appropriation from the General Fund of the State to the Veterans Post War Rehabilitation Reserve Fund to Carry Out the Provisions of Chapter 180 of the Session Laws of 1943, Such Appropriation to Be in Addition Thereto; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senator Bond requested that the Senate be on the fifth order of business, which request was granted.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- Senate Bill No. 2.
- Senate Bill No. 5.
- Senate Bill No. 10.
- Senate Bill No. 11.
- Senate Bill No. 12.
- Senate Bill No. 14.

And find the same correctly engrossed.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the Senate do now recess until 1:00 p. m., March 24th, which motion prevailed and the Senate stood recessed.

W. J. TROUT, Secretary.

FIFTH DAY AFTER RECESS AND  
SIXTH DAY

Bismarck, March 24, 1944.

The Senate recovered at one o'clock p. m., pursuant to recess taken, with the presiding officer, Senator Drew, in the chair.

The presiding officer announced that the Senate would be on the sixth order of business.

MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, March 24, 1944.

Mr. President: I have the honor to request that you return to the House:

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Which failed to receive the necessary two-thirds majority.

W. M. SMART, Chief Clerk.

Senator O'Brien moved that House Bill No. 6 be returned to the House, as per request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 16, have had the same under consideration and recommend that the same be amended as follows:

In line 130 the figures \$10,000.00 be changed to \$20,000.00.

And when so amended recommend the same do pass.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

WM. WATT, Chairman.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 14, have had the same under consideration and recommend that the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 15, have had the same under consideration and recommend that the same do pass.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 17, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Acting Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 29, have had the same under consideration and recommend that the same be indefinitely postponed.

WM. WATT, Chairman.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

R. M. Streibel: "Mr. President, while House Bill No. 29 was up for discussion in the Senate Appropriations Committee it was brought to our attention that the present law now provides that \$500,000 be set aside every 6 months for the rehabilitation of returned soldiers. As none of this money, up to the present time, has been used, we could see no good reason why an additional appropriation could not wait until our regular session 9 months from now.

#### REPORTS OF STANDING COMMITTEE

Mr. President: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 2, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Acting Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 5, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Acting Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 3, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Acting Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following reports:

Mr. President: Your Committee on Enrollment and En-grossment respectfully report that they have examined the following bills:

Senate Bill No. 4.

Senate Bill No. 15.

And find the same correctly engrossed.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Enrollment and En-grossment respectfully report that they have examined the following resolution:

Senate Resolution "D."

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Which the House has requested.

W. J. TROUT, Secretary.

Senator Bridston requested that the Senate be on the fourth order of business, which request was granted.

The presiding officer referred the communication from the Governor regarding the Board of Higher Education.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 24, 1944.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning

Members of the Armed Forces in the Solution of Their Problems.

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judges of the Supreme and District Courts, and Declaring an Emergency.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

House Concurrent Resolution No. 1.

Which the House has passed and your favorable consideration is respectfully requested.

W. M. SMART, Chief Clerk.

#### SECOND READING OF SENATE BILL

Senate Bill No. 20. A Bill for an Act Legalizing Marriages by Proxy Where the Man or Woman Is a Member of the Armed Forces Serving Outside the United States, Desiring to Marry Persons Residing in the United States and That the Law for Marriage by Proxy Shall be Valid for the Duration of the War and Until Peace Is Declared.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 14; nays, 27; absent and not voting, 7.

Those voting in the affirmative were:

Beaton	Hoenck	Schrock
Bridston	Lavik	Stucke
Flatt	Olson, McHenry	Thatcher
Foss	Page	Wog
Guenther	Porter	

Those voting in the negative were:

Adam	Lofthus	Olson, Barnes
Blank	Lynch	Olson, Mountrail
Bond	Morgan, Walsh	Raschko
Brant	Morgan, Richland	Rue
Braun	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, Renville	Troxel

Feton	O'Brien	Watt
Kamrath	Oksendahl	Young
Kehoe		
Absent and not voting:		
Bilden	Greiser	Nordhougen
Brunsdale	Nelson, McKenzie	Semerad
Ginter		

So the bill was declared lost.

Senator Porter moved that the vote by which Senate Bill No. 20 was lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judges of the Supreme and District Courts, and Declaring an Emergency.

Was read the first time and referred to the Committees on Elections.

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to

County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

Was read the first time and referred to the Committees on Elections.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Was read the first time and referred to the Committees on Elections.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

Was read the first time and referred to the Committees on Elections.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

Was read the first time and referred to the Committees on Judiciary.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

Was read the first time and referred to the Committees on Elections.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

Was read the first time and referred to the Committees on Judiciary.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

Was read the first time and referred to the Committees on Counties.

Senator O'Brien moved that House Bill No. 18 be referred to the Committee on State Affairs, which motion prevailed.

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session



Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

Was read the first time and referred to the Committees on Ways and Means.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

Was read the first time and referred to the Committees on Ways and Means.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

Was read the first time and referred to the Committees on Irrigation and Drainage.

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

Was read the first time and referred to the Committees on Irrigation and Drainage.

House Concurrent Resolution No. 1.

Was read the first time and referred to the Committees on Elections.

Senator Day announced that Senator Nordhogen would not be able to return to the special session, therefore Senator Day moved that the presiding officer appoint someone to serve on the Committee on Elections in the place of Senator Nordhogen, which motion prevailed.

The presiding officer announced that he would appoint Senator Page on the Committee on Elections in the place of Senator Nordhogen.

Senator Young moved that the vote by which the Senate accepted the report of the Committee on Appropriations by which House Bill No. 29 was indefinitely postponed, be reconsidered, which motion lost.

Senator Young requested that his remarks be printed in the Journal, as follows: "I don't like to be placed in the position of playing cheap politics but this is a very important bill involving millions of dollars for the veterans of this war. Whether or not the thing to do is to kill this bill, I don't say at this time. We have had a broader program than a million dollars for returned soldiers; we have envisioned the helping of these soldiers in buying land and helping them in a much greater degree than a million dollars. I believe this bill should be brought back and considered."

Senator Streibel moved that the following remarks of Senator Watt be printed in the Journal, which motion prevailed.

Senator Watt: "Mr. President, I will say for the benefit of the Senate that I was supposed to be present when this committee report was given but I was having lunch and when I got back, the report had been given. I was supposed to explain the action of the committee. The reason for this action by the committee was that the regular session of the legislature set aside a million dollars because we had the money available at that time; there is \$500,000 to be placed in that fund every year. The committee felt that with the regular session of the legislature only a few months away, it would not be the proper time to set apart another million dollars—that should be left to the regular session of the legislature which convenes in January 1945, and I think at that time the majority of the members of the committee would be in favor. Further we were not informed as to the condition of the state treasury at this time."

Senar Thatcher moved that Mr. Willoughby, the cloakroom attendant, be sworn in at this time, which motion prevailed. The presiding officer gave the oath of office to Mr. Willoughby.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 6. A Bill for an Act Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine, or the United Service Organizations Outside the Territorial Limits of the United States, as a Result of Any War in Which the United States of America May Be Engaged, and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duty of the County Auditor, and Declaring an Emergency.

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

Senate Concurrent Resolution "C."

Senator Concurrent Resolution "E."

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943,

All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 29. A Bill for an Act Making an Appropriation from the General Fund of the State to the Veterans Post War Rehabilitation Reserve Fund to Carry Out the Provisions of Chapter 180 of the Session Laws of 1943, Such Appropriation to Be in Addition Thereto; and Declaring an Emergency.

Which the Senate has indefinitely postponed.

W. J. TROUT, Secretary.

Senator Young moved that the Senate do now recess until three p. m., which motion prevailed.

The Senate reconvened at the expiration of the recess.

Senator Young requested that the Senate be on the seventh order of business.

I move that the Senate Journal of March 23rd, be corrected as follows:

On page 39 of the Senate Journal, strike out all of the following language:

(Insert in Line 24 of the printed bill following the second word "of" the word "approximately," so that line 24 will read "of land of approximately 160 acres or less shall, in the judgment of.")

And insert in lieu there, the following: Strike all Section 4 and add the following:

Section 4. The Board or Commission in charge of the management and sale of such lands may, in its discretion offer for sale and sell and convey isolated tracts of land of approximately 160 acres or less which in the judgment of such Board or Commission, shall be deemed not adequately sufficient for the establishment and maintenance of owner-operated family type farms.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Judiciary, to whom was referred House Bill No. 13, have had the same under consideration and recommend that the same do pass.

E. C. STUCKE, Acting Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 18, have had the same under consideration and recommend that the same do pass.

J. B. BRIDSTON, Chairman.

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Ways and Means to whom was referred House Bill No. 20, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Ways and Means to whom was referred House Bill No. 24, have had the same under consideration and recommend that the same do pass.

M. R. YOUNG, Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Irrigation & Drainage to whom was referred House Bill No. 26, have had the same under consideration and recommend that the same do pass.

W. J. BRAUN, Chairman.

Senator Braun moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Irrigation & Drainage to whom was referred House Bill No. 27, have had the same under consideration and recommend that the same do pass.

W. J. BRAUN, Chairman.

Senator Braun moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Concurrent Resolution No. 1, have had the same under consideration and recommend that the same be indefinitely postponed.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Morgan of Walsh moved that the vote by which the report of the Committee on Elections on House Concurrent Resolution No. 1 was adopted, be reconsidered and the motion to reconsider be laid on the table.

Senator Stucke moved that House Bill No. 13 be re-referred to the Committee on Elections, which motion prevailed and the bill was so re-referred to the Committee on Elections.

Senator Young moved that the Senate be at ease pursuant to the call of the Chair.

The presiding officer announced that the Senate will be on the fourteenth order of business for the signing of bills.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Joint Memorial Resolution "A".

Joint Memorial Resolution "B".

Joint Memorial Resolution "C".

Senate Resolution "D".

And the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to return:

Joint Memorial Resolution "A".

Joint Memorial Resolution "B".

Joint Memorial Resolution "C".

Which the President has signed.

W. J. TROUT, Secretary.

The Senate was called to order by the Chair.

Senator Day requested that the Senate be on the fifth order of business, which request was granted.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Elections to whom was referred House Bill No. 2, have had the same under consideration and recommend that the same be amended as follows:

In line 7 strike out the words "ninety" and the figures "(90)" and insert in lieu thereof the words "seventy" and the figure "(70)".

In line 8 strike out the words "seventy" and the figures "(70)" and insert in lieu thereof the words "fifty" and the figures "(50)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 3, have had the same under consideration and recommend that the same be amended as follows:

In line 5 of the title of the engrossed bill after the figures "1002a2" insert the figures "1002a3, 1002a4".

In line 6 after the word "state" insert the following language: "who is within the territorial limits of the United States but".

Strike out all of line 8 and line 9 to and including the word "and".

In line 18 strike out the words "seventy (70)" and insert in lieu thereof "fifty (50)".

In line 21 after the word "disability" strike out the word "or" and strike out all of line 22 and all of line 23 to and including the word "and,".

Strike out all of line 64 to and including line 74.

At the end of line 75, insert the following: "1002a3, 1002a4".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 4, have had the same under

consideration and recommend that the same be amended as follows:

In line 8 of the bill, strike out the word "sixty (60)" and insert in lieu thereof the words and figures "forty (40)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 5, have had the same under consideration and recommend that the same be amended as follows:

In line 5 of the engrossed bill, strike out the words and figures "sixty-five (65)" and insert in lieu thereof the words and figures "forty-five (45)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the Senate be on the tenth order of business for the purpose of Second Reading of Senate Bills, which motion prevailed.

Senator Watt moved that the rules be suspended and Senate Bill No. 16 be considered properly re-engrossed and placed on second reading and final passage, which motion prevailed.

The presiding officer announced that the motion of Senator Watt carried by a two-thirds vote.

#### MESSAGE FROM THE HOUSE

House of Representatives,

Bismarck, March 24, 1944.

Mr. President: I have the honor to transmit herewith the following resolution:

House Concurrent Resolution No. 7.

Which the House has passed and your favorable consideration is respectfully requested.

W. M. SMART, Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and Making an Appropriation for the Use of Said Committee, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 36; nays, 6; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Blank	Lavik	Porter
Bond	Lofthus	Raschko
Brant	Lynch	Rue
Braun	Morgan, Walsh	Schrock
Bridston	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	O'Brien	Watt
Flatt	Oksendahl	Wog
Foss	Olson, Barnes	Young
Hoенck		

Those voting in the negative were:

Greiser	Nelson, Renville	Thatcher
Nelson, McKenzie	Olson, McHenry	Troxel

Absent and not voting:

Bilden	Ginter	Nordhougen
Brunsdale	Guenther	Semerad

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Flatt moved that the vote by which Senate Bill No. 16 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 24, 1944.

Mr. President: I have the honor to transmit herewith the following Resolution which the House has passed and your favorable consideration is respectfully requested.

House Concurrent Resolution No. 1.

W. M. SMART, Chief Clerk.

Senator Day requested that the Senate revert to the fifth order of business, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 7, have had the same under consideration and recommend that the same be amended as follows:

In line 16 strike out the words and figures "seventy (70)" and insert in lieu thereof the words and figures "fifty (50)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted.

Senator Morgan of Walsh made a substitute motion that House Bill No. 7 be placed on the calendar, without amendments.

A roll call was demanded.

#### ROLL CALL

The roll was called on the motion of Senator Morgan of

Walsh and there were ayes, 21; nays, 23; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Morgan, Walsh	Schrock
Bond	Morgan, Richland	Streibel
Braun	Nelson, Griggs-	Stucke
Bridston	Steele	Thatcher
Drew	Oksendahl	Troxel
Flatt	Raschko	Watt
Greiser	Rue	Young
Guenther		

Those voting in the negative were:

Beaton	Kamrath	Olson, Barnes
Bilden	Kehoe	Olson, McHenry
Blank	Lavik	Olson, Mountrail
Brant	Lofthus	Page
Day	Lynch	Porter
Feton	Nelson, McKenzie	Solberg
Foss	Nelson, Renville	Wog
Hoencck	O'Brien	

Absent and not voting:

Brunsdale	Nordhougen	Semerad
Ginter		

So the motion of Senator Morgan was declared lost.

The question being on the motion of Senator Feton that the report of the Committee on Elections on House Bill No. 7, the question was put and declared carried, and the report of the Committee was adopted.

#### REPORTS OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 8, have had the same under consideration and recommend that the same be amended as follows:

In line 8 of the engrossed bill strike out the words and figures "sixty-five (6)" and insert in lieu thereof the words and figures "forty-five (45)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 9, have had the same under consideration and recommend that the same be indefinitely postponed.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted.

Senator Morgan of Walsh made a substitute motion that House Bill No. 9 be placed on the calendar, which motion prevailed.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 10, have had the same under consideration and recommend that the same be amended as follows:

In line 6 of the engrossed bill strike out the words and



figures "seventy (70)" and insert in lieu thereof the words and figures "fifty (50)".

In line 8 of the engrossed bill after the words "P. M." strike out the following: "on the seventieth (70) day".

In line 11 of the engrossed bill strike out the words and figures "seventy (70)" and insert in lieu thereof the words and figures "fifty (50)".

In line 28 of the engrossed bill strike out the words and figures "sixty-five (65)" and insert in lieu thereof the words and figures "forty-five (45)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 11, have had the same under consideration and recommend that the same be amended as follows:

In line 6 of the engrossed bill strike out the words and figures "ninety (90)" and insert in lieu thereof the words and figures "seventy (70)".

In line 7 of the engrossed bill strike out the words and figures "seventy (70)" and insert in lieu thereof the words and figures "fifty (50)".

In line 8 of the engrossed bill strike out the words and figures "seventieth (70th)" and insert in lieu thereof "fiftieth (50th)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 12, have had the same under consideration and recommend that the same be amended as follows:

In line 17 of the engrossed bill strike out the words and figures "ninety (90)" and insert in lieu thereof the words and figures "seventy (70)".

In line 18 of the engrossed bill strike out the words and figures "seventy (70)" and insert in lieu thereof "fifty (50)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 13, have had the same under consideration and recommend that the same be amended as follows:

In line six of the bill, strike out the word and figure "seventy (70)" and insert in lieu thereof the word and figure "fifty (50)".

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Feton moved that the report be adopted, which motion prevailed and the report was adopted.

## FIRST READING OF HOUSE BILL

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 19. A Bill for an Act to Provide for the Development of Aviation and Aeronautics in the State of North Dakota, Creating a State Aeronautics Committee Under the Jurisdiction of the Public Service Commission; Creating an Aeronautics Fund Authorizing the Transfer of Appropriated Funds; and Declaring an Emergency.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 23. A Bill for an Act Providing for an Actuarial Audit of State Hail Insurance Rates, Report to Insurance Commissioner and Twenty-ninth Legislative Assembly, Appropriation, and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

House Concurrent Resolution No. 6.

Was read the first time and referred to the Committee on Agriculture.

House Concurrent Resolution No. 7.

Was read the first time and referred to the Committee on State Affairs.

House Concurrent Resolution No. 8.

Was read the first time and referred to the Committee on Irrigation and Drainage.

Senator Day requested that the Senate be on the eighth order of business, which request was granted.

Senator Day moved that the Message from the House brought over this afternoon with reference to House Concurrent Resolution No. 1, be stricken from the record, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to transmit:

Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or its Representatives, and Fix Penalties for Refusal, and to Appropriate the Sum of \$10,000.00 for the Use of Said Committee.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 24, 1944.

Mr. President: I have the honor to transmit herewith the following bills and resolutions:

House Bill No. 19. A Bill for an Act to Provide for the Development of Aviation and Aeronautics in the State of North Dakota, Creating a State Aeronautics Committee Under the Jurisdiction of the Public Service Commission; Creating an Aeronautics Fund Authorizing the Transfer of Appropriated Funds; and Declaring an Emergency.

House Bill No. 23. A Bill for an Act Providing for an Actuarial Audit of State Hail Insurance Rates, Report to Insurance Commissioner and Twenty-ninth Legislative Assembly, Appropriation, and Declaring an Emergency.

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

House Concurrent Resolution No. 6.

House Concurrent Resolution No. 8.

Which the House has passed and your favorable consideration is respectfully requested.

W. M. SMART, Chief Clerk.

Senator Young moved that the Senate recess until 8:30 P. M., which motion prevailed and the Senate stood recessed.

The Senate reconvened at 8:30 P. M., pursuant to recess taken with the presiding officer, Senator Drew, in the chair.

The presiding officer announced that the Senate would be on the fifth order of business for the reading of committee reports.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Concurrent Resolution No. 6, have had the same under consideration and recommend that the same do pass.

A. N. LAVIK, Chairman.

Senator Lavik moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Irrigation and Drainage to whom was referred House Concurrent Resolution No. 8, have had the same under consideration and recommend that the same do pass.

W. J. BRAUN, Chairman.

Senator Braun moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Day moved that House Bills Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 be re-referred to the Committee on Elections, which motion prevailed.

Senator Young moved that the Senate do now adjourn, which motion prevailed and the Senate stood adjourned.

W. J. TROUT, Secretary.

#### SIXTH DAY

Bismarck, March 24, 1944.

The Senate convened at 2:00 o'clock P. M., with the presiding officer, Senator Drew, in the chair.

Prayer by the chaplain, Rev. Tysdal.

Roll call: All senators present except Senators Brunsdale and Nordhousen.

Senator Watt moved that Senator Brunsdale and Senator Nordhousen be excused, which motion prevailed.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fourth Day and recommend that the same be corrected as follows:

On page 44, the explanation of votes should follow Concurrent Resolution "B," and on page 42, line 4, after the word "Election", insert the words "on Senate Bill No. 6."

J. J. KEHOE, Acting Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

Senate Bill No. 16.

And find the same correctly engrossed.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

Senate Bill No. 6.

And find the same correctly engrossed.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

Senate Bill No. 3.

And find the same correctly engrossed.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

Senator Bridston moved that the Senate now go into executive session, which motion prevailed.

The President announced that the Senate would be on the Fifteenth Order of Business for the reading of the following announcement:

The Senate in executive session, has today, by unanimous vote confirmed and consented to the appointment of the Honorable John Moses, Governor of North Dakota, of the Honorable A. S. Marshall as a member of the State Board of Higher Education for a term of seven years commencing July 1, 1943 and expiring June 30, 1950.

Senator Young moved that the second reading of House Concurrent Resolutions 2, 3, 5, 8 and 6 be placed at the head of the calendar, which motion prevailed.

Senator Young moved that the Journal show that the members of the Committee on Elections are absent and not voting because of a committee meeting being held, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

Was read the second time.

Senator Morgan of Walsh moved that House Concurrent Resolution No. 2 be adopted, which motion prevailed.

So the resolution was declared adopted.

House Concurrent Resolution No. 3.

Was read the second time.

Senator Flatt moved that House Concurrent Resolution No. 3 be adopted, which motion prevailed.

So the resolution was declared adopted.

House Concurrent Resolution No. 5.

Was read the second time.

Senator Solberg moved that House Concurrent Resolution No. 5 be adopted, which motion prevailed.

So the concurrent resolution was declared adopted.

House Concurrent Resolution No. 8.

Was read the second time.

Senator Braun moved that House Concurrent Resolution No. 8 be adopted, which motion prevailed.

So the concurrent resolution was declared adopted.

House Concurrent Resolution No. 6. A Concurrent Resolution Memorializing Congress and the President to Take Immediate Steps for Securing Necessary Tires for the Use of Farmers.

Was read the second time.

Senator Lavik moved that House Concurrent Resolution No. 6 be adopted, which motion prevailed.

So the concurrent resolution was declared adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 24, 1944.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

House Concurrent Resolution No. 3

House Concurrent Resolution No. 5.

House Concurrent Resolution No. 6. A Concurrent Resolution Memorializing Congress and the President to Take Immediate Steps for Securing Necessary Tires for the Use of Farmers.

House Concurrent Resolution No. 8.

Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

Senator Young moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reconvened at the call of the chair.

Senator Braun requested that the Senate be on the twelfth order of business, which request was granted.

Senator Braun moved that House Bill No. 17 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kamrath	Porter
Beaton	Lavik	Raschko
Bilden	Lofthus	Rue
Blank	Lynch	Schrock
Bond	Morgan, Walsh	Semerad
Brant	Nelson, Griggs-	Solberg
Braun	Steele	Streibel
Bridston	Nelson, McKenzie	Stucke
Drew	Nelson, Renville	Thatcher
Feton	Oksendahl	Troxel

Flatt	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Greiser	Olson, Mountrail	Young
Guenther	Page	
Hoenck		

Absent and not voting:

Brunsdale	Kehoe	Nordhougen
Day	Morgan, Richland	O'Brien
Ginter		

So the bill passed and the title was agreed to.

Senator Solberg moved that the vote by which House Bill No. 17 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Young moved that House Bills Nos. 18, 20, 24 and 26 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund, in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Hoenck	Porter
Beaton	Kamrath	Raschko
Bilden	Lavik	Rue
Blank	Lofthus	Schrock
Bond	Lynch	Semerad
Brant	Morgan, Walsh	Solberg
Braun	Nelson, McKenzie	Streibel
Bridston	Nelson, Renville	Stucke
Drew	Oksendahl	Thatcher
Feton	Olson, Barnes	Troxel
Flatt	Olson, McHenry	Watt
Foss	Olson, Mountrail	Wog
Greiser	Page	Young
Guenther		

Those voting in the negative were:

Nelson, Griggs-  
Steele

Absent and not voting:

Brunsdale	Kehoe	Nordhougen
Day	Morgan, Richland	O'Brien
Ginter		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Porter moved that the vote by which House Bill No. 18 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Watt moved that House Bill No. 20 be amended as follows:

In lines 24 and 25, strike out the "a monthly salary of Seventy-Five Dollars (\$75.00) per month and", which motion prevailed on ruling of the presiding officer.

Senator Young moved that the rules be suspended and that House Bill No. 20 be considered properly re-engrossed, as amended, and placed on second reading and final passage, which motion prevailed.

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Greiser	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck		

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Watt moved that the vote by which House Bill No. 20 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the



roll was called and there were ayes, 45; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Greiser	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck		

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to.

Senator Day moved that the vote by which House Bill No. 24 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Adam	Hoenck	Olson, McHenry
Beaton	Kamrath	Olson, Mountrail
Bilden	Kehoe	Porter
Blank	Lavik	Raschko
Bond	Lofthus	Rue
Brant	Lynch	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Morgan, Walsh	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Thatcher
Feton	Nelson, McKenzie	Troxel
Flatt	Nelson, Renville	Watt
Foss	O'Brien	Wog
Greiser	Oksendahl	Young
Guenther	Olson, Barnes	

Absent and not voting:

Brunsdale	Nordhougen	Stucke
Ginter	Page	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Braun moved that the vote by which House Bill No. 26 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Braun moved that House Bill No. 27 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridgston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Greiser	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck		

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Braun moved that the vote by which House Bill No. 27 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Day moved that Senator Kamrath's seat be changed from the one he has held to the one where he is now sitting, for the balance of the session, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Greiser	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck		

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Flatt moved that the vote by which House Bill No. 14 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Greiser	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck		

Absent and not voting:

Brunsdale	Ginter	Nordhougen
-----------	--------	------------

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Blank moved that the vote by which House Bill

No. 15 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The presiding officer announced that the Senate would be on the Fifth Order of Business for the reading of reports of standing committees:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 6, have had the same under consideration and recommend that the same do pass.

J. B. BRIDSTON, Chairman.

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on State Affairs to whom was referred House Concurrent Resolution No. 7, have had the same under consideration and recommend that the same do pass.

J. B. BRIDSTON, Chairman.

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the Senate recess until 9:30 A. M., which motion prevailed and the Senate stood recessed.

W. J. TROUT, Secretary.

SIXTH DAY AFTER RECESS AND  
SEVENTH DAY

Bismarck, March 25, 1944.

The Senate reconvened at the expiration of the recess with the presiding officer in the chair.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces

of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Which the House has amended.

W. M. SMART, Chief Clerk.

Senator Young moved that the Senate be on the Ninth Order of Business for the consideration of Messages from the House.

Senator Young moved that the Senate do concur in the following amendment to Senate Bill No. 4, which motion prevailed.

At line 7 of the printed bill, strike out words "discharge papers" and insert in lieu thereof the following words: "discharges from such armed forces, certificates issued in lieu thereof, duly authenticated and certified copies thereof, or duly certified records of their service and discharge from such armed forces," and that the lines be renumbered accordingly.

Senator Young moved that the rules be suspended and that Senate Bill No. 4 be considered properly re-engrossed and placed on second reading and final passage as amended by the House, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 37; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Adam	Lavik	Raschko
Beaton	Lofthus	Rue
Bilden	Lynch	Schrock
Blank	Morgan, Walsh	Semerad
Bond	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Guenther	Olson, Barnes	Wog

Hoenck	Olson, McHenry	Young
Kehoe	Page	
Absent and not voting:		
Brant	Ginter	Nordhougen
Braun	Greiser	Olson, Mountrail
Bridstön	Kamrath	Porter
Brunsdale	Nelson, McKenzie	

So the bill passed and the title was agreed to, and the emergency clause carried.

Senator Young moved that the vote by which Senate Bill No. 4 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Morgan of Richland moved that the Senate do concur in the following amendment to Senate Bill No. 1, which motion prevailed.

House amendments to Senate Bill No. 1:

Insert the word "foxes" after the word "and" in line 4 of the title and in line 5 of page 2. Also striking out the words "other Predatory Animals" in lines 4 and 5 of the title and lines 5 and 6 of page 2.

Senator Morgan of Richland moved that the rules be suspended and that Senate Bill No. 1 be considered properly re-engrossed and placed on second reading and final passage, as amended by the House, which motion prevailed.

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Adam	Kamrath	Page
Beaton	Kehoe	Raschko
Bilden	Lavik	Rue
Blank	Lofthus	Schrock
Bond	Lynch	Semerad
Brant	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel

Day	Nelson, Griggs-	Stucke
Drew	Steele	Thatcher
Feton	Nelson, Renville	Troxel
Flatt	O'Brien	Watt
Foss	Oksendahl	Wog
Guenther	Olson, Barnes	Young
Hoenck	Olson, McHenry	

Absent and not voting:

Braun	Greiser	Olson, Mountrail
Brunsdale	Nelson, McKenzie	Porter
Ginter	Nordhougen	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Sen. Morgan of Richland moved that the vote by which Senate Bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Page moved that the Senate do concur in the following House amendments to Senate Bill No. 13, which motion prevailed.

In line 7 of the title after the word "Fund" strike out "and providing the method of repair or replacement of destroyed buildings."

In line 69 after the word "Contractors" insert a "period" and strike out the balance of lines 69, 70, 71, 72 and 73 to and including the word "building."

Strike out all of lines 77, 78 and 79 and re-number the lines.

Senator Page moved that the rules be suspended and that Senate Bill No. 13 be considered properly re-engrossed and placed on second reading and final passage, as amended by the House, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Adam	Kamrath	Page
Beaton	Kehoe	Raschko
Bilden	Lavik	Rue
Blank	Lofthus	Schrock
Bond	Lynch	Semerad
Brant	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Day	Nelson, Griggs-	Stucke
Drew	Steele	Thatcher



Feton	Nelson, Renville	Troxel
Flatt	O'Brien	Watt
Foss	Oksendahl	Wog
Guenther	Olson, Barnes	Young
Hoencck	Olson, McHenry	

Absent and not voting:

Braun	Greiser	Olson, Mountrail
Brunsdale	Nelson, McKenzie	Porter
Ginter	Nordhougen	

So the bill passed and the title was agreed to, the emergency clause was declared lost in the House.

Senator Page moved that the vote by which Senate Bill No. 13 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Page moved that the Senate concur in the House amendment to Senate Bill No. 10, as follows, which motion prevailed.

In line 4 after "per diem" strike out the words "and expenses."

Senator Page moved that the rules be suspended and that Senate Bill No. 10 be considered properly re-engrossed and placed on second reading and final passage as amended by the House, which motion prevailed.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 41; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Page
Bilden	Lavik	Raschko
Blank	Lofthus	Rue
Bond	Lynch	Schrock
Brant	Morgan, Walsh	Semerad
Bridston	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Guenther	Olson, Barnes	Wog
Hoencck	Olson, McHenry	Young

Absent and not voting:

Braun	Greiser	Nordhougen
Brunsdale	Nelson, McKenzie	Porter
Ginter		

So the bill passed and the title was agreed to, and the emergency clause carried.

Senator Semerad moved that the vote by which Senate Bill

No. 10 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Young requested that the Senate be on the 12th order of business for the second reading of House bills, which request was granted.

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 3; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Kamrath	Olson, Mountrail
Beaton	Kehoe	Porter
Blank	Lavik	Raschko
Bond	Lofthus	Rue
Brant	Lynch	Schrock
Braun	Morgan, Walsh	Semerad
Bridston	Morgan, Richland	Solberg
Day	Nelson, Griggs-	Streibel
Drew	Steele	Stucke
Feton	Nelson, McKenzie	Thatcher
Flatt	O'Brien	Watt
Foss	Oksendahl	Wog
Guenther	Olson, Barnes	Young
Hoenck		

Those voting in the negative were:

Nelson, Renville	Olson, McHenry	Troxel
------------------	----------------	--------

Absent and not voting:

Bilden	Ginter	Nordhougen
Brunsdale	Greiser	Page

So the bill passed and the title was agreed to, and the emergency clause carried.

Senator Flatt moved that the vote by which House Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 7.

Was read the second time.

Senator Morgan of Walsh moved that a roll call be had on House Concurrent Resolution No. 7, which motion prevailed.

## ROLL CALL

The question being on the final passage of the Resolution, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Adam	Kehoe	Olson, Mountrail
Beaton	Lavik	Page
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Guenther	Olson, Barnes	Wog
Hoenck	Olson, McHenry	Young
Kamrath		

Absent and not voting:

Bilden	Ginter	Nordhougen
Brunsdale	Greiser	Porter

So the Resolution passed and the title was agreed to.

Senator Flatt moved that the vote by which House Concurrent Resolution No. 7 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt moved that the Senate do concur in the House amendment to Senate Bill No. 14, as follows, which motion prevailed.

Line 8, change "15 years" to "12 years".

Senator Watt moved that the rules be suspended and that Senate Bill No. 14 be considered properly re-engrossed and placed on second reading and final passage as amended by the House, which motion prevailed.

## SECOND READING OF SENATE BILL

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 41; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kamrath	Olson, McHenry
Beaton	Kehoe	Olson, Mountrail
Bilden	Lavik	Raschko
Blank	Lofthus	Rue

Bond	Lynch	Schrock
Brant	Morgan, Walsh	Semerad
Braun	Morgan, Richland	Solberg
Bridston	Nelson, Griggs-	Streibel
Day	Steele	Stucke
Drew	Nelson, McKenzie	Thatcher
Flatt	Nelson, Renville	Troxel
Foss	O'Brien	Watt
Guenther	Oksendahl	Wog
Hoenck	Olson, Barnes	Young
Absent and not voting:		
Brunsdale	Greiser	Page
Feton	Nordhougen	Porter
Ginter		

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senator Watt moved that the vote by which Senate Bill No. 14 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return herewith the following bills which the House has passed unchanged.

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Senate Concurrent Resolution "C".

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Senate Concurrent Resolution "E".

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws

of the Special Session of the Twenty-eighth Legislative Assembly.

W. M. SMART, Chief Clerk.

The presiding officer announced that the Senate would be on the 5th order of business for the reports of standing committees.

#### REPORTS OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 2, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 2 and that House Bill No. 2 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 4, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 4 and that House Bill No. 4 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 5, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 5 and that House Bill No. 5 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 7, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 7 and that House Bill No. 7 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Fetton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 8, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 8 and that House Bill No. 8 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 10, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 10 and that House Bill No. 10 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 11, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 11 and that House Bill No. 11 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 12, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 12 and that House Bill No. 12 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Elections to whom was referred House Bill No. 13, have had the same under consideration and recommend that the same be amended as follows:

That the Senate recede from the amendments made to House Bill No. 13 and that House Bill No. 13 be placed upon the calendar for passage in the exact form in which it was received from the House.

G. I. FETON, Chairman.

Sen. Feton moved that the report be adopted, which motion prevailed and the report was adopted.

The Secretary read the committee report on House Bill No. 9. Senator Day moved that the Senate defer action on this report from the Committee on Elections until we receive

the committee report on House Bill No. 3, which motion prevailed.

Senator Young moved that the Senate be on the Fourteenth Order of Business for the signing of bills, and then be at ease to the call of the Chair, which motion prevailed.

The Senate reconvened at the call of the Chair.

Senator Young moved that the House be requested to return Senate Bill No. 3, which motion prevailed.

Senator Young requested that the Senate be on the Fifth Order of Business for the purpose of reading the reports of committees.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 3, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after "A Bill" and insert the following:

"For an Act to amend and re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941, to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to absent voters ballots; and permitting electors engaged in the defense of their country or members of the American Red Cross, Merchant Marine or United Service Organizations outside the territorial limits of the United States of America as a result of any war in which the United States of America may be engaged and until six months after the termination thereof, to vote by proxy during the emergency of any such war, defining the duties of the county auditor, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) That Section 992 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

SECTION 992. Absent Voters' Ballot. Who May Vote.) Any qualified elector of this state, who is absent from the county in which he is an elector, or who by reason of physical disability, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

SECTION 2. AMENDMENT.) That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

SECTION 993. Application for Ballots. Made When.) At any time within seventy (70) days next preceding such election, any voter expecting to be absent on the day of the election from the county in which his voting precinct is situated, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at such

election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

SECTION 3. AMENDMENT.) That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

SECTION 995. Application For.) Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_ or of the vilage of \_\_\_\_\_ or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the State of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date \_\_\_\_\_

Signed \_\_\_\_\_  
Postoffice \_\_\_\_\_

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

SECTION 4. AMENDMENT. That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

SECTION 1002a3. ABSENT VOTERS BALLOT.) It shall be the duty of each county auditor upon receipt of an application for an absent voters ballot immediately to mail such absent voters balot to such elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, noncommissioned officer not below the rank of sergeant or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and provided further, that such affidavit need not have any venue. Provided, however, that it shall be the duty of such county auditor, at least sixty (60) days before any primary



or general election, of his own accord and without application from any elector, to send such absent voters ballot to every elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913, who is within the territorial limits of the United States of America and who is a member of the armed forces thereof, in every case wherein the address of such elector is furnished such county auditor.

SECTION 5. AMENDMENT.) That Section 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

Section 1002a4. Ballot and Canvassing.) Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots in the manner provided in section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope, shall proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voter ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for in the absent voter ballots.

SECTION 6.) That during any National emergency arising out of the United States of America being engaged in war and until the expiration of six months after the termination thereof, the duly qualified electors of the State of North Dakota, men and women, who may be serving in the armed forces of the United States, the American Red Cross, the Merchant Marine of the United States Service Organizations outside the territorial limits of the United States, may delegate his right to vote and shall be permitted to vote by proxy at all state-wide elections, primary and general.

SECTION 7.) (a) Every qualified elector coming within the provisions of Section 6, desiring to vote by proxy at any such election, shall name in writing either his mother, father, brother, sister, husband, or wife, if any he has in the county of his residence, and if none, then a friend therein as his proxy to cast his vote at any such election.

(b) Such proxy appointment shall be in substantially the following form:

I \_\_\_\_\_, now serving in the defense of the United States of America do hereby name \_\_\_\_\_

of \_\_\_\_\_ County, North Dakota, who is my \_\_\_\_\_  
 as my proxy to vote for me and in my name at the \_\_\_\_\_  
 election to be held in the State of North Dakota on the \_\_\_\_\_  
 day of \_\_\_\_\_, 19\_\_\_\_\_.

X \_\_\_\_\_

We as witnesses to the signature of the above named  
 elector hereby certify that we know such elector and know  
 that his signature thereto is genuine.

---



---

Witnesses

(c) Such proxy appointment shall be signed in his own  
 hand by the elector on the line on which the letter X ap-  
 pears, in the presence of two of his comrades who shall sign  
 as witnesses to the signature of such elector on the blank  
 lines thereof.

SECTION 8.) Each county auditor in the State of North  
 Dakota, shall, for every such election held during any such  
 national emergency:

(a) Provide such proxy appointment, with a reprint of  
 subdivisions (a) and (c) of section 7, of this Act on the back  
 thereof.

(b) Any relative or friend of any such elector, having the  
 information, is required to furnish the name and military  
 address and each change in such address as same may occur  
 of such elector to the county auditor of the county of the  
 residence of such elector and such county auditor shall make  
 and preserve a permanent record in his office of the names  
 and addresses so furnished him and the date of mailing each  
 proxy appointment and shall keep such record concealed from  
 the public.

(c) At least eighty (80) days before any election or im-  
 mediately on receipt of such name and address, the county  
 auditor shall send him at his last furnished address by air  
 mail, postage prepaid, one proxy appointment bearing the  
 initials of such county auditor in his own hand and the  
 imprint of the seal of this office.

(d) Such county auditor shall include with each such  
 proxy an unaddressed envelope with the postage thereon fully  
 prepaid by air mail, to be used by the elector in returning  
 the proxy appointment to his proxy.

(e) The county auditor shall also include an application  
 for an absent voters ballot as provided in section 4 of this  
 Act, together with a notice in the following form:

“NOTICE”

“You may fill out the enclosed proxy appointment and  
 mail it to the one you appoint or if you prefer to vote by  
 absent voters ballot, fill out the enclosed application and  
 return it to this office and we will send you an absent voters  
 ballot.

County Auditor, \_\_\_\_\_ county, \_\_\_\_\_  
 North Dakota.”

SECTION 9.) Such proxy appointment must be presented  
 by the proxy to the Election Board of the precinct wherein  
 such elector is qualified to vote, whereupon such proxy shall

be furnished such ballot as the elector would be entitled to receive if personally present, and shall be permitted to vote such ballot for and on behalf of such elector unless such election board shall have theretofore received evidence it deems sufficient that such elector is deceased.

SECTION 10.) The proxy appointment shall be filed with the election board and shall, by it, be returned to the county auditor with the other election returns, and by him kept and preserved for the period of two years after the expiration of the emergency.

SECTION 11.) Any elector coming within the provisions of Section 6 of this Act, may at his option vote personally or by his absent voters ballot or by a proxy at any such election, and if he shall vote personally or his absent voters ballot shall have been filed with the election board before his proxy offers to vote, the vote of the proxy shall be rejected. However, if a duly appointed proxy shall have voted before the elector offers to vote personally or before his absent voters ballot shall be presented, his personal vote shall be rejected.

SECTION 12.) The proxy must be a duly qualified voter of the county of the residence of the elector in the state of North Dakota, but need not be a resident of the precinct wherein the elector resides. If he is not a resident of such precinct, he shall file with the election board an affidavit stating of what precinct he is a resident.

SECTION 13.) REPEAL.) That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

SECTION 14. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

And when so amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Morgan of Richland moved that the senate defer action on the above amendment in the committee report until mimeographed copies could be had by each senator, which motion prevailed.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return herewith the following bills which the House has passed unchanged.

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

W. M. SMART, Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of Senate Bill No. 3.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

Which the Senate has amended.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five

Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

House Concurrent Resolution No. 7.  
Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

As requested by the Senate:

W. M. SMART, Chief Clerk.

Senator Young moved that the action by which Senate Bill No. 3 was passed be reconsidered, which motion prevailed.

Senator Young moved that Senate Bill No. 3 be further amended as follows:

"Strike out everything after line 30 of the printed bill." which motion prevailed.

Senator Young moved that the rules be suspended and that Senate Bill No. 3 be considered properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

Senator Young moved that Senate Bill No. 3 be placed at the foot of the calendar, which motion prevailed.

Senator Young requested that the Senate be on the tenth order of business, which request was granted.

Senator Young moved that Senate Bill No. 3 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 39; nays, 4; absent and not voting, 5.

Those voting in the affirmative were:

Adam	Kehoe	Raschko
Bilden	Lavik	Rue
Blank	Lofthus	Schrock
Bond	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Nelson, Griggs-	Streibel
Day	Steele	Stucke
Drew	Nelson, McKenzie	Thatcher
Feton	Nelson, Renville	Troxel
Flatt	Oksendahl	Watt
Foss	Olson, Barnes	Wog
Guenther	Olson, McHenry	Young
Hoenck	Olson, Mountrail	
Kamrath	Porter	

Those voting in the negative were:

Brant	O'Brien	Page
Morgan, Richland		

Absent and not voting:

Beaton	Ginter	Nordhugen
Brunsdale	Greiser	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Flatt moved that the vote by which Senate Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 15.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 15.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

## MESSAGE TO THE SENATE

Bismarck, March 25, 1944.

Mr. President:

I have the honor to transmit to you a copy of a motion introduced by Representative Fitch and adopted by the House as follows: Representative Fitch moved that the page pick up all the propaganda sheets and return them to the Senate with the instruction that we can get along by taking care of our own business. Motion adopted unanimously.

W. M. SMART, Chief Clerk.

Senator Day moved that the report of the Committee on Elections on House Bill No. 3 be adopted.

Senator Morgan of Walsh moved a substitute motion that committee report be amended as follows:

Strike out everything in the report and substitute the following language: "That the Senate recede from the amendment made to House Bill No. 3, and that House Bill No. 3, be placed on the calendar for passage in the exact form in which it was received from the House.

## ROLL CALL

Senator O'Brien requested a roll call which was granted.

The roll was called and there were ayes, 12; nays, 32; absent and not voting, 4.

Those voting in the affirmative were:

Braun	Morgan, Walsh	Stucke
Bridston	Oksendahl	Thatcher
Flatt	Porter	Watt
Guenther	Rue	Young

Those voting in the negative were:

Adam	Kamrath	Olson, Barnes
Beaton	Kehoe	Olson, McHenry
Bilden	Lavik	Olson, Mountrail
Blank	Lofthus	Page
Bond	Lynch	Raschko
Brant	Morgan, Richland	Schrock
Day	Nelson, Griggs-	Semerad
Drew	Steele	Solberg
Feton	Nelson, McKenzie	Streibel
Foss	Nelson, Renville	Troxel
Hoенck	O'Brien	Wog

Absent and not voting:

Brunsdale	Greiser	Nordhogen
Ginter		

So the motion was declared lost and the question is now on the original motion of Senator Day to adopt the Committee Report on House Bill No. 3, which motion prevailed.

Senator Day moved that the rules be suspended and that House Bill No. 3 be considered properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed, by a two-thirds vote.

## SECOND READING OF HOUSE BILLS

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2,

1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 40; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

Adam	Lavik	Page
Beaton	Lofthus	Raschko
Bilden	Lynch	Rue
Blank	Morgan, Walsh	Schrock
Bond	Morgan, Richland	Semerad
Brant	Nelson, Griggs-	Solberg
Bridston	Steele	Streibel
Day	Nelson, McKenzie	Stucke
Drew	Nelson, Renville	Thatcher
Feton	O'Brien	Troxel
Foss	Oksendahl	Watt
Hoенck	Olson, Barnes	Wog
Kamrath	Olson, McHenry	Young
Kehoe	Olson, Mountrail	

Those voting in the negative were:

Braun	Guenther	Porter
Flatt		
Absent and not voting:		
Brunsdale	Greiser	Nordhoughen
Ginter		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Flatt moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Braun: "Mr. President: I vote 'No' on this bill and it says 'No,' and it is going to stand for just what it means."

Senator Bridston: "Mr. President: I am opposed to the idea of a proxy voting bill. I don't think it actually gives the soldier the vote. In view, however, of the fact that this bill gives the soldier a choice of either a ballot or a proxy, I vote 'Aye.'"

Senator Morgan of Walsh: "Mr. President: I have served in this body for three sessions and I have never before explained my vote. I believe that I must in justice to myself at this time. I believe this legislation is fundamentally unsound. I believe it is undemocratic and un-American. But I do know this—that if this legislature leaves Bismarck without passing some legislation which will permit the soldiers overseas to vote, we will go down in history as the most despised and hated legislature that has ever served the people of North Dakota and in order that this bill may have a two-thirds majority which it requires, I vote 'Yes.'"

Senator Rue: "Mr. President: In view of the fact that this is the only measure giving the soldiers a chance to vote, I will change my vote from 'No' to 'Aye.'"



Senator Watt: "Mr. President: I want to explain my vote. If this is construed as the only chance to give the soldiers a vote, I change my vote from 'No' to 'Aye'."

Senator Young: "Mr. President: I want to explain my vote for only the second or third time in twelve years. I vote 'Aye' on this measure for the purpose of getting it over to the House and into the conference committee with the hope of finding a possible solution."

Senator Flatt moved that the journal records be changed to show Art Herk as Assistant Secretary rather than Bill Clerk.

#### ROLL CALL

The roll was called and there were ayes, 37; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Adam	Lavik	Porter
Beaton	Lofthus	Raschko
Bilden	Lynch	Rue
Blank	Morgan, Walsh	Schrock
Bond	Morgan, Richland	Semerad
Braun	Nelson, McKenzie	Solberg
Drew	Nelson, Renville	Streibel
Feton	O'Brien	Thatcher
Flatt	Oksendahl	Troxel
Foss	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
Hoencck	Olson, Mountrail	Young
Kehoe		

Absent and not voting:

Brant	Ginter	Nordhougen
Bridston	Greiser	Page
Brunsdale	Kamrath	Stucke
Day	Nelson, Griggs- Steele	

So the motion of Senator Flatt prevailed.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to transmit herewith the following bills which the House has passed and your favorable consideration is respectfully requested.

House Concurrent Resolution No. 9.

House Concurrent Resolution No. 10.

W. M. SMART, Chief Clerk.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 9.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the Resolution, the roll was called and there were ayes, 37; nays, 1; absent and not voting, 10.

Those voting in the affirmative were:

Adam	Kehoe	Porter
Beaton	Lavik	Raschko

Bilden	Lofthus	Rue
Blank	Lynch	Schrock
Bond	Morgan, Richland	Semerad
Brant	Nelson, McKenzie	Solberg
Braun	Nelson, Renville	Streibel
Drew	O'Brien	Stucke
Feton	Oksendahl	Troxel
Flatt	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young
Hoenck		

Those voting in the negative were:  
Thatcher

Absent and not voting:

Bridston	Greiser	Nelson, Griggs-
Brunsdale	Kamrath	Steele
Day	Morgan, Walsh	Nordhousen
Ginter		Page

So the Concurrent Resolution passed and the title was agreed to.

Senator Flatt moved that the vote by which House Resolution No. 9 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Concurrent Resolution No. 10.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the Resolution, the roll was called and there were ayes, 38; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Adam	Lavik	Raschko
Beaton	Lofthus	Rue
Bilden	Lynch	Schrock
Blank	Morgan, Walsh	Semerad
Bond	Morgan, Richland	Solberg
Braun	Nelson, McKenzie	Streibel
Drew	Nelson, Renville	Stucke
Feton	O'Brien	Thatcher
Flatt	Oksendahl	Troxel
Foss	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
Hoenck	Olson, Mountrail	Young
Kehoe	Porter	

Absent and not voting:

Brant	Ginter	Nelson, Griggs-
Bridston	Greiser	Steele
Brunsdale	Kamrath	Nordhousen
Day		Page

So Concurrent Resolution No. 10 was declared adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to inform you that the

House has concurred in the Senate amendment to House Bill No. 20.

W. M. SMART, Chief Clerk.  
House of Representatives,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to transmit:

House Concurrent Resolution No. 6. A Concurrent Resolution Memorializing Congress and the President to Take Immediate Steps for Securing Necessary Tires for the Use of Farmers.

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

Which the Speaker has signed and your signature is respectfully requested.

W. M. SMART, Chief Clerk.  
House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

Senator Day moved that action on House Bill No. 9 be deferred at this time, which motion prevailed.

Senator Day moved that the Senate do now adjourn, which motion prevailed and the Senate stood adjourned.

W. J. TROUT, Secretary.

## SIXTH DAY

Bismarck, March 25, 1944.

The Senate convened at 2:00 o'clock p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by the chaplain, Rev. Stewart of Mandan.

Roll Call: All senators present except Senators Brunsdale, Ginter, Greiser, Nordhougen.

Senator Page moved that all absent senators be excused with the exception Senator Ginter.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Fifth Day After Recess and Sixth Day.

On page 65, eighth line from bottom after word "and" strike out the rest of the title and insert in lieu thereof the words "making an appropriation for the use of said committee, and declaring an emergency."

And when so corrected recommend that the same be approved.

J. J. KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judge of the Supreme and District Courts, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Adam	Kehoe	Porter
Beaton	Lynch	Raschko
Bilden	Morgan, Walsh	Rue
Blank	Morgan, Richland	Schrock
Bond	Nelson, Griggs-	Solberg
Brant	Steele	Streibel
Bridston	Nelson, McKenzie	Stucke
Day	O'Brien	Thatcher
Drew	Oksendahl	Troxel
Feton	Olson, Barnes	Watt
Foss	Olson, McHenry	Wog
Guenther	Olson, Mountrail	Young
Hoенck	Page	

Absent and not voting:

Braun	Greiser	Nelson, Renville
Brunsdale	Kamrath	Nordhousen
Flatt	Lavik	Semerad
Ginter	Lofthus	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 2 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 34; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

Adam	Lynch	Raschko
Beaton	Morgan, Walsh	Rue
Blank	Morgan, Richland	Schrock
Bond	Nelson, Griggs-	Semerad
Brant	Steele	Solberg
Bridston	Nelson, McKenzie	Streibel
Day	O'Brien	Stucke

Drew	Oksendahl	Thatcher
Foss	Olson, McHenry	Troxel
Guenther	Olson, Mountrail	Watt
Hoenck	Page	Young
Kehoe	Porter	
Absent and not voting:		
Bilden	Ginter	Nelson, Renville
Braun	Greiser	Nordhougen
Brunsdale	Kamrath	Olson, Barnes
Feton	Lavik	Wog
Flatt	Lofthus	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 4 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

Adam	Kehoe	Porter
Beaton	Lynch	Raschko
Blank	Morgan, Walsh	Rue
Bond	Morgan, Richland	Schrock
Brant	Nelson, Griggs-	Semerad
Bridston	Steele	Solberg
Day	Nelson, McKenzie	Streibel
Drew	O'Brien	Stucke
Feton	Oksendahl	Thatcher
Foss	Olson, McHenry	Troxel
Guenther	Olson, Mountrail	Watt
Hoenck	Page	Young

Absent and not voting:

Bilden	Greiser	Nelson, Renville
Braun	Kamrath	Nordhougen
Brunsdale	Lavik	Olson, Barnes
Flatt	Lofthus	Wog
Ginter		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 5 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the Non-party Ballot; Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 38; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Adam	Kehoe	Page
Beaton	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Lynch	Rue
Brant	Morgan, Walsh	Schrock
Braun	Morgan, Richland	Semerad
Bridston	Nelson, Griggs-	Solberg
Day	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	O'Brien	Thatcher
Foss	Oksendahl	Troxel
Guenther	Olson, McHenry	Watt
Hoenck	Olson, Mountrail	Young

Absent and not voting:

Bilden	Greiser	Nordhougen
Brunsdale	Kamrath	Olson, Barnes
Flatt	Nelson, Renville	Wog
Ginter		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 7 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

Adam	Guenther	Porter
Beaton	Hoenck	Raschko
Blank	Kehoe	Rue
Bond	Lavik	Schrock
Brant	Lofthus	Semerad
Braun	Lynch	Solberg
Bridston	Morgan, Walsh	Streibel
Day	Nelson, McKenzie	Thatcher
Drew	O'Brien	Troxel
Feton	Oksendahl	Watt
Flatt	Olson, McHenry	Wog
Foss	Olson, Mountrail	Young

Absent and not voting:

Bilden	Morgan, Richland	Nordhougen
Brunsdale	Nelson, Griggs-	Olson, Barnes
Ginter	Steele	Page
Greiser	Nelson, Renville	Stucke
Kamrath		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Flatt moved that the vote by which House Bill No. 8 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41, nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Adam	Kehoe	Page
Beaton	Lavik	Porter
Blank	Lofthus	Raschko
Bond	Morgan, Walsh	Rue
Brant	Morgan, Richland	Schrock
Braun	Nelson, Griggs-	Semerad
Bridston	Steele	Solberg
Day	Nelson, McKenzie	Streibel
Drew	Nelson, Renville	Stucke
Feton	O'Brien	Thatcher
Flatt	Oksendahl	Troxel
Foss	Olson, Barnes	Watt
Guenther	Olson, McHenry	Wog
Hoenck	Olson, Mountrail	Young

Absent and not voting:

Bilden	Greiser	Lynch
Brunsdale	Kamrath	Nordhougen
Ginter		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

Adam	Lofthus	Porter
Beaton	Morgan, Richland	Raschko
Blank	Nelson, Griggs-	Rue
Bond	Steele	Schrock
Braun	Nelson, McKenzie	Semerad
Day	Nelson, Renville	Solberg
Drew	O'Brien	Streibel
Feton	Oksendahl	Stucke
Foss	Olson, Barnes	Thatcher
Guenther	Olson, McHenry	Troxel
Hoenck	Olson, Mountrail	Watt
Kehoe	Page	Wog
Lavik		

Absent and not voting:

Bilden	Flatt	Lynch
Brant	Ginter	Morgan, Walsh
Bridston	Greiser	Nordhougen
Brunsdale	Kamrath	Young

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 11 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 34; nays, 0; absent and not voting, 14.

Those voting in the affirmative were:

Adam	Lavik	Page
Beaton	Lofthus	Porter
Blank	Lynch	Raschko
Bond	Morgan, Richland	Schrock
Braun	Nelson, McKenzie	Semerad
Day	Nelson, Renville	Streibel
Drew	O'Brien	Stucke
Feton	Oksendahl	Thatcher
Foss	Olson, Barnes	Troxel
Guenther	Olson, McHenry	Wog
Hoenck	Olson, Mountrail	Young
Kehoe		

Absent and not voting:

Bilden	Ginter	Nordhougen
Brant	Greiser	Rue
Bridston	Kamrath	Solberg
Brunsdale	Morgan, Walsh	Watt
Flatt	Nelson, Griggs-	
	Steele	

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill



No. 12 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

Adam	Hoenck	Porter
Beaton	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lynch	Schrock
Braun	Nelson, McKenzie	Semerad
Bridston	Nelson, Renville	Streibel
Day	O'Brien	Stucke
Drew	Oksendahl	Thatcher
Feton	Olson, Barnes	Troxel
Flatt	Olson, McHenry	Watt
Foss	Olson, Mountrail	Wog
Guenther	Page	Young

Absent and not voting:

Bilden	Kamrath	Nelson, Griggs-
Brant	Lofthus	Steele
Brunsdale	Morgan, Walsh	Nordhougen
Ginter	Morgan, Richland	Solberg
Greiser		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Troxel moved that the vote by which House Bill No. 13 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that

Senate Bill No. 15

Was delivered to the Governor for his approval at the hour of 3:15 p. m., o'clock, March 25 1944.

W. R. BOND, Chairman.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Concurrent Resolution No. 2

House Concurrent Resolution No. 6

And the President signed the same in the presence of the Senate.

## MESSAGES TO THE HOUSE

Senate Chamber,

Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judge of the Supreme and District Courts, and Declaring an Emergency.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws for North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public

Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 2. Resolution Regarding Additional Quota Allotment Specifically Designated for Returning Soldiers, Sailors, and Marines.

House Concurrent Resolution No. 6. A Concurrent Resolution Memorializing Congress and the President to Take Immediate Steps for Securing Necessary Tires for the Use of Farmers.

Which the President has signed.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Which the Senate has amended.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 9

House Concurrent Resolution No. 10

Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

Senator Young moved that the Senate recess subject to the call of the Chair, which motion prevailed.

The Senate reconvened at the expiration of the recess.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 3 and the Speaker has appointed a conference committee to act with a like committee from the Senate, Reps. Fitch, Graham and Bergesen.

W. M. SMART, Chief Clerk.

Senator Day requested that the Senate be on the eighth order of business, which request was granted.

Senator Day moved that the presiding officer appoint a conference committee to meet with a like committee from the House on House Bill No. 3, which motion prevailed.

And the presiding officer appointed as such committee Senators Day, Page and Morgan of Richland.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee, to act with a like committee from the House on House Bill No. 3, Senators Day, Page and Morgan of Richland.

W. J. TROUT, Secretary.

SENATE COMMITTEE ON ENROLLMENT  
AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- Senate Bill No. 2.
- Senate Bill No. 5.
- Senate Bill No. 8.
- Senate Bill No. 11.
- Senate Bill No. 12.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

SENATE COMMITTEE ON ENROLLMENT  
AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following resolutions:

- Senate Resolution "C."
- Concurrent Resolution "A."
- Concurrent Resolution "E."

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

- Senate Bill No. 2.
- Senate Bill No. 5.
- Senate Bill No. 8.
- Senate Bill No. 11.
- Senate Bill No. 12.
- Senate Concurrent Resolution "E."
- Senate Concurrent Resolution "A."
- Senate Concurrent Resolution "C."

And the President signed the same in the presence of the Senate.

The Senate reconvened at the expiration of the recess period, with the presiding officer in the Chair.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries, and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Senate Concurrent Resolution "E."

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

Senate Concurrent Resolution "C."

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Which the House has passed unchanged.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Which the House has amended.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to transmit:

House Concurrent Resolution No. 11.

Which the House has passed and your favorable consideration is requested.

W. M. SMART, Chief Clerk.

Senator Young moved that the Senate concur in the House amendments to Senate Bill No. 3, as follows, which motion prevailed.

In line 15 of the original bill insert the word "the" before the word "land."

Senator Young moved that the rules be suspended and that Senate Bill No. 3 be considered properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 38; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Adam	Kehoe	Porter
Beaton	Lavik	Raschko
Bilden	Lofthus	Rue
Blank	Lynch	Schrock
Bond	Morgan, Walsh	Semerad
Brant	Nelson, Griggs-	Solberg
Braun	Steele	Streibel
Drew	Nelson, McKenzie	Stucke
Feton	Nelson, Renville	Thatcher
Flatt	O'Brien	Troxel
Foss	Oksendahl	Watt
Guenther	Olson, Barnes	Wog
Hoenck	Olson, McHenry	Young

Absent and not voting:

Bridston	Greiser	Nordhougen
Brunsdale	Kamrath	Olson, Mountrail
Day	Morgan, Richland	Page
Ginter		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Flatt moved that the vote by which Senate Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 11.  
Was read the first time.

Senator Watt moved that House Concurrent Resolution No. 11 be adopted by a rising vote, which motion prevailed.

Senator Bridston moved that the Senate concur in the amendments to House Concurrent Resolution "B," which motion prevailed.

At the end of line 5, after the word "serve" insert "from July first, 1944".

Senator Bridston moved that the rules be suspended and that House Concurrent Resolution "B" be considered properly re-engrossed and placed on second reading and final passage as amended by the House, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Was read the second time.

ROLL CALL

The question being on the final passage of the resolution, as amended by the House, the roll was called and there were ayes, 34; nays, 5; absent and not voting, 9.

Those voting in the affirmative were:

Adam	Hoenck	Porter
Beaton	Kehoe	Raschko
Blank	Lavik	Rue
Bond	Lofthus	Schrock
Brant	Lynch	Solberg
Braun	Morgan, Walsh	Strelbel
Bridston	Nelson, Griggs-	Stucke
Drew	Steele	Troxel
Feton	Nelson, Renville	Watt
Flatt	O'Brien	Wog
Foss	Oksendahl	Young
Guenther	Olson, Barnes	

Those voting in the negative were;

Bilden	Olson, McHenry	Thatcher
Nelson, McKenzie	Semerad	

## Absent and not voting:

Brunsdale	Greiser	Nordhøygen
Day	Kamrath	Olson, Mountrail
Ginter	Morgan, Richland	Page

So the concurrent resolution passed and the title was agreed to.

Senator Porter moved that the vote by which Senate Concurrent Resolution "B" was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Concurrent Resolution No. 11

Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

The presiding officer announced that the Senate would revert to the fifth order of business for the purpose of reading the reports of Standing Committees.

## REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on State Affairs to whom was referred:

House Bill No. 19

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. BRIDSTON, Chairman

Senator Bridston moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Bridston moved that the vote by which the report of the Committee on State Affairs was adopted be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Young moved that the Senate recess to the call of the Chair, which motion prevailed and the Senate stood recessed.

The Senate reconvened at the call of the Chair.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to inform you that the Speaker has appointed as a new conference committee on House Bill No. 3, Reys, Bergesen, Fitch and Graham.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to transmit:

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

House Concurrent Resolution No. 3.



House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

House Bill No. 6. A Bill for an Act amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

House Concurrent Resolution No. 5.

Which the Speaker has signed and your signature is respectfully requested.

W. M. SMART, Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 6.

House Bill No. 14.

House Bill No. 15.

House Bill No. 17.

House Bill No. 18.

House Bill No. 24.

House Bill No. 26.

House Bill No. 27.

House Concurrent Resolution No. 3.

House Concurrent Resolution No. 5.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 14. A Bill for an Act Making an Appro-

priation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

Which the President has signed.

W. J. TROUT, Secretary.

Senator Day: "Mr. President, your conference committee met with a conference committee from the House. We have been for several hours in session and it is quite apparent that it is impossible to get together. Here is the setup as far as the conference committee is concerned—the majority of the House part of the conference committee was adamant in insisting that there be no proxy and though we offered to concede most everything in the way of details, even to sending both ballot and proxy, but this was not satisfactory. The only suggestion they made, short of complete receding entirely, was that they would try to pass the proxy bill which we sent over and they would try to put this through the House—put all the House bills through; all bills to go on the Governor's desk. Your conference committee did not feel that they could agree to that, having the information that the Governor would veto the proxy bill.

Senator Young moved that the House be asked to return House Bill No. 3.

Senator Young withdrew his motion.

Senator O'Brien moved that the conference committee which met with a committee from the House on House Bill No. 3, and failed to agree, be discharged and a new committee appointed.

Senator O'Brien withdrew his motion.

Senator O'Brien moved that the same committee be appointed to meet with a like committee from the House on House Bill No. 3.

Senator Day moved a substitute motion that the name of Senator Rue be substituted for his name on the conference committee.

Senator Page moved a substitute motion that a new conference committee be appointed, which motion prevailed, and the Chair appointed as such committee Senators O'Brien, Streibel and Roschko.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the President has appointed a new conference committee to act with a like committee of the House, on House Bill No. 3, Senators O'Brien, Streibl, Raschko.

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 6. A Bill for an Act amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme

Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

House Concurrent Resolution No. 3.

House Concurrent Resolution No. 5.

Which the President has signed.

W. J. TROUT, Secretary.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

Senate Chamber,  
Bismarck, March 25, 1944.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- Senate Bill No. 1.
- Senate Bill No. 3.
- Senate Bill No. 4.
- Senate Bill No. 10.
- Senate Bill No. 13.
- Senate Bill No. 14.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator W. R. Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

The Senate reconvened at the expiration of the recess at the call of the Chair.

Senator O'Brien reported that the conference committee of three to meet with a like committee from the House on House Bill No. 3, had failed to reach an agreement and asked that a new committee be appointed, which motion prevailed.

The Presiding Officer appointed as such committee, Senators Stucke, Brant and Day.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the President has appointed a new conference committee to act with a like committee of the House to act on House Bill No. 3, Senators Stucke, Brant and Day.

W. J. TROUT, Secretary.

#### COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that:

Senate Bill No. 2.  
Senate Bill No. 5.  
Senate Bill No. 8.  
Senate Bill No. 11.  
Senate Bill No. 12.

Were delivered to the Governor for his approval at the hour of 10:35 p. m. o'clock, March 25, 1944.

W. R. BOND, Chairman.

#### COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that

Joint Memorial Resolutions "A" and "B".  
Senate Concurrent Resolution "A"  
And Senate Resolutions "D" and "C".

Were delivered to the Secretary of State for his approval at the hour of 10:45 p. m., o'clock, March 25, 1944.

W. R. BOND, Chairman.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

##### SENATE CONCURRENT RESOLUTION "F"

BE IT RESOLVED BY THE SENATE OF THE TWENTY-EIGHTH EXTRAORDINARY LEGISLATIVE ASSEMBLY OF THE SENATE OF NORTH DAKOTA AND THE HOUSE CONCURRING:

That for and during this twenty-eighth Extraordinary Legislative Assembly the following named persons be employed and appointed as officers and employes of the Senate and of the House and shall be paid the compensation set opposite their respective names:

SENATE

W. J. Trout, Secretary of the Senate .....	\$ 8.00
Ruth Smith, Desk Reporter .....	8.00
A. J. Anderson, Sergeant-at-arms .....	5.00
Arthur Herk, Assistant Secretary .....	6.50
John W. Benson, Proofreader .....	5.00
Helen MacLachlan, Enroll. & Engross. Clerk .....	5.00
Ray Unzelman, Page .....	4.50
Jerry Stair, Page .....	4.50
E. Willoughby, Cloak Room Attendant .....	4.50

HOUSE

W. M. Smart, Chief Clerk .....	\$ 8.00
Kenneth Morgan, Ass't. Chief Clerk .....	6.50
Marie Tunell, Desk Reporter .....	8.00
Emil Braun, Page .....	4.50
Oswald Krusick, Doorkeeper .....	4.50
Barney Monahan, Proofreader .....	5.00
Fred Ingstad, Sergeant-at-arms .....	5.00
Clara Rishling Trout, Enrolling & Engrossing Clerk ....	5.00
Miles Nelson, Mailing Clerk .....	5.00

BE IT FURTHER RESOLVED that the Speaker of the House and the President Pro-Tem of the Senate each receive \$2.00 per day.

SECOND READING OF SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution "F."

Was read the second time.

ROLL CALL

The question being on the final passage of the concurrent resolution, the roll was called and there were ayes, 38; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Adam	Hoenck	Porter
Beaton	Kehoe	Raschko
Bilden	Lavik	Schrock
Bond	Lofthus	Semerad
Brant	Lynch	Solberg
Braun	Morgan, Walsh	Streibel
Bridston	Morgan, Richland	Stucke
Day	Nelson, McKenzie	Thatcher
Drew	Nelson, Renville	Troxel
Feton	Oksendahl	Watt
Flatt	Olson, Barnes	Wog
Foss	Olson, McHenry	Young
Guenther	Page	

Absent and not voting:

Blank	Kamrath	O'Brien
Brunsdale	Nelson, Griggs-	Olson, Mountrail
Ginter	Steele	Rue
Greiser	Nordhougen	

So the resolution passed and the title was agreed to.

Senator Flatt moved that the vote by which Senate Concurrent Resolution "F" was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to transmit:  
Senate Concurrent Resolution "F."  
Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

- Senate Bill No. 1.
- Senate Bill No. 3.
- Senate Bill No. 4.
- Senate Bill No. 10.
- Senate Bill No. 13.
- Senate Bill No. 14.

And the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of

1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Concurrent Resolution "F."

Which the House has passed unchanged.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Senate Bill No. 3. A Bill for an Act, Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the President has appointed as a new conference committee, to act with a like committee of the House on House Bill No. 3, Senators Fetton, Blank and Lynch.

W. J. TROUT, Secretary.

The presiding officer announced that the Senate would be on the fifth order of business.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 23, have had the same under consideration and recommend that the same be indefinitely postponed.

FRANKLIN PAGE, Chariman.

Senator Page moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to transmit:

Joint Memorial Resolution "A."

Joint Memorial Resolution "B."

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions,



State Departments, State Industries and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

Senate Concurrent Resolution "C."

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 25, 1944.

Mr. President: I have the honor to transmit:

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

W. M. SMART, Chief Clerk.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bills Nos. 1, 3, 4, 10, 13 and Senate Concurrent Resolution "B."

W. J. TROUT, Secretary.

Senate Chamber,  
Bismarck, March 25, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 19. A Bill for an Act to Provide for the Development of Aviation and Aeronautics in the State of North Dakota, Creating a State Aeronautics Committee Under the Jurisdiction of the Public Service Commission; Creating an Aeronautics Fund Authorizing the Transfer of Appropriated Funds; and Declaring an Emergency.

House Bill No. 23. A Bill for an Act Providing for an Actuarial Audit of State Hail Insurance Rates, Report to

Insurance Commissioner and Twenty-ninth Legislative Assembly, Appropriation, and Declaring an Emergency.

Which the Senate has indefinitely postponed.

W. J. TROUT, Secretary.

Senator Young moved that the presiding officer appoint a committee of three on the investigating committee as provided in Senate Concurrent Resolution "B," which motion prevailed.

The presiding officer appointed as such committee, Senators Bridston, Thatcher and Page.

Senator Page moved that the Senate be at ease subject to the call of the Chair, which motion prevailed and the Senate stood at ease.

The Senate reconvened at the call of the Chair.

Senator Stucke reported that the conference committee appointed to meet with a like committee from the House on House Bill No. 3 had failed to agree and asked that a new conference committee be appointed, which motion prevailed.

And the presiding officer appointed as such committee, Senators Feton, Blank and Lynch.

Senator Bridston moved that the Senate recess to eleven o'clock a. m., tomorrow.

Senator Troxel moved a substitute motion that we recess until eleven o'clock Monday morning, which motion was declared lost.

Senator O'Brien moved a substitute motion that we continue this session indefinitely, which motion lost.

Senator Bridston moved a substitute motion that the Chair appoint a committee of five to meet with a like committee from the House to make arrangements for procedure, which motion prevailed.

Senator Watt moved that the Senate recess subject to the call of the Chair.

The Senate reconvened to the call of the Chair.

Senator Young moved that the Senate do now adjourn, until two o'clock Monday, which motion prevailed and the Senate stood adjourned.

W. J. TROUT, Secretary.

## NINTH DAY

Bismarck, March 27, 1944.

The Senate convened at 2:00 o'clock p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by our Chaplain, Rev. Hamblin of Bismarck.

Roll call: All Senators present except Senators Foss, Ginter, Greiser, Kamrath, Nelson of Griggs, Nordhougen, O'Brien and Schrock.

Senator Watt moved that all absent Senators be excused except Senator Ginter, which motion prevailed.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Sixth Day After Recess and Seventh Day and recommend that the same be corrected as follows:

Page 100, Senator Morgan of Walsh explanation of vote: Change the word "legislature" to "legislation" in lines 4 and 7.

And when so corrected recommend that the same be approved.

J. J. KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

## REPORTS OF STANDING COMMITTEES

The Committee on Enrollment and Engrossment made the following reports:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 7.

Senate Bill No. 9.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following resolutions:

Senate Concurrent Resolution "B."

Senate Concurrent Resolution "F."

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 7.

Senate Bill No. 9.

Senate Concurrent Resolution "B."

Senate Concurrent Resolution "F."

And the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Senate Concurrent Resolution "F."

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.  
House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return:

Senate Concurrent Resolution "E."

Which the Speaker has signed.

W. M. SMART, Chief Clerk.  
House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and Making an Appropriation for the Use of Said Committee, and Declaring an Emergency.

Which the House has passed unchanged.

W. M. SMART, Chief Clerk.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Sixth Day After Recess and Seventh Day and recommend that the same be corrected as follows:

Strike out the word "Legislature" in lines 4, 6 and 7, of the remarks of Senator Morgan of Walsh, contained in the

second last paragraph on page 100 of the Senate Journal, and insert the word "legislation".

And when so corrected recommend that the same be approved.

J. J. KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 25, 1944.

#### TO THE SENATE OF THE STATE OF NORTH DAKOTA:

This is to notify you that I have approved Senate Bill 15, making an appropriation to defray the expenses of the extraordinary legislative session of 1944, and the expenses of the Governor's Advisory Committee and declaring an emergency, and that the same has been filed with the Secretary of State.

JOHN MOSES,  
Governor.

Senator Watt moved that the following message from the family of former Lieutenant Governor Holt be printed in the Journal, which motion prevailed.

"The family of Henry Holt acknowledges with deep appreciation your kind expression of sympathy."

Senator Fetton reported that the conference committee appointed to meet with a like committee from the House on House Bill No. 3, had been unable to reach an agreement with the committee from the House and asked to be discharged, which motion prevailed.

Senator Bridston rose to a point of personal privilege.

"When the soldiers vote question was presented to the American public, the 1944 special session of the North Dakota legislature was called to give soldiers a vote. The Governor called a conference of legislative representatives from all political parties and factions. They recommended a certain type of legislation. Another group evolved the idea of proxy voting.

We are here today because the whole problem of giving the soldier the vote has apparently become involved in North Dakota politics. Some of us who are opposed to the proxy vote have been accused of being so because of loyalty to the Governor. This is simply another cross current without any foundation of truth. Speaking only for myself, I can say that after giving this proxy question serious consideration I became convinced that it is unsound fundamentally and constitutionally. I oppose the proxy idea vote on principal and personal conviction. In spite of this, I voted for the choice amendment on House Bill No. 3 for the sake of harmony and to bring this special session to a close. On an out and out question of the proxy vote, I will vote against it. On a compromise solution I will again yield.

Let each and every one of us try to keep our mind open

and not leave this session until we have given the soldier the opportunity to actually vote if he wants to."

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to transmit herewith the following bills and resolutions:

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judge of the Supreme and District Courts, and Declaring an Emergency.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the

Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

House Concurrent Resolution No. 7.

House Concurrent Resolution No. 8.

House Concurrent Resolution No. 9.

House Concurrent Resolution No. 10.

House Concurrent Resolution No. 11.

Which the Speaker has signed and your signature is requested.

W. M. SMART, Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 2.

House Bill No. 4.

House Bill No. 5.

House Bill No. 7.

House Bill No. 8.

House Bill No. 10.

House Bill No. 11.

House Bill No. 12.

House Bill No. 13.

House Bill No. 20.

House Concurrent Resolution No. 7.

House Concurrent Resolution No. 8.

House Concurrent Resolution No. 9.

House Concurrent Resolution No. 10.

House Concurrent Resolution No. 11.

And the President signed the same in the presence of the Senate.

Senator Day: "Before making a motion, I would like to ask to make a few remarks and have them printed in the Journal.

I am a great believer in the system of dual legislature because of the fact that it has always been my observation that two Houses usually end up with a result that reflected, in the course of time, better judgment than might be reflected by a single House. I have always been a great believer in the rule of the majority. Militant minorities sometimes have a good idea, and sometimes they do not. Sometimes those ideas are popular and sometimes they are not. I don't believe that it is necessary to go into personalities at all. I think it is unfortunate that personalities have to a certain extent crept into the debates, especially in the corridors. I do not believe that there is any senator here who has not given very conscientious thought to the question of soldier voting. I am positive there is not a senator here who is not determined that he shall do the best he can to see that the soldiers do have a right to vote as a result of this legislative action. I am astounded at the spirit of sacrifice that has been evidenced by many of the Senators in saying that they will stay as long as is necessary, which I know they are making a sacrifice in doing.

We are coming to grips now with the problem that we came here for—it is only the last day or two that we have done so; I do not think we should become irritated. I have every respect, as I have said before, for every Senator and every Member of the House, who conscientiously objects to the proxy bill. When I first thought of it, it did not appeal to me. I should change that—I didn't think of it first. But when the subject was first broached to me, the idea did not appeal to me, and I stated that I was opposed to it but as time went along, it did become more and more apparent that we should favor it as a matter of principle. As a result of that an overwhelming majority of this Senate passed Senate Bill No. 6 and sent it to the House. Senate Bill No. 6 as it was originally devised, provided for all soldier voting by proxy and it was the idea of the sponsors and the committee that it would not be necessary for any other bills to be passed as far as soldiers voting was concerned. After more and more contemplation it seemed that it should apply to men overseas only and it was so amended. Gentlemen, I want to suggest that and I believe we should give it serious consideration, even if it does take us a little time. We have a constitutional provision, Section 129, which says that all voting shall be by secret ballot or words to that effect. The secrecy of the ballots is guaranteed by our constitution. The absent voters ballot has been upheld because the secrecy of the ballot has been carefully guarded. If the law is obeyed there is no possibility of anyone knowing how that ballot is voted until the ballots are drawn from the ballot box, but if we sent these absent voters ballots to men overseas, those ballots must come back through censorship—they must be opened and inspected from one to three times. This censorship, I am informed, sometimes take place on the field, but in most cases it is at the point of embarkation where the mail is assembled and sometimes sorted again after it



crosses the water. It no longer becomes a secret ballot. If it is opened and inspected, regardless of who does it. I raise this question. Can we conscientiously permit the absent voters ballot to come back without violating Section 129 of our constitution? It seems to me that we may find after due deliberation and thorough consideration that the proxy bill is the only constitutional method that has yet been suggested for men to vote from overseas. Because of possibility and the probability that absent voters ballots will have to be thrown out by the election boards. That may be the basis upon which a compromise may be made. I admit that I may be somewhat prejudiced towards the proxy bill. I seem to have gained the opinion in my own mind, as some of you have, that the proxy bill is sound legislation in an emergency, to apply to overseas voting. The ideal situation, and I would feel most comfortable if this legislature could agree on that and adjourn having passed such a bill. I fully recognize that there are men with more ability than I have, who fully disagree with my position; and some of them who I greatly respect as far as ability is concerned, thoroughly believe that the proxy as a matter of principle cannot be adopted. I have come to the point where I am afraid that we will not, as a legislature, agree upon a bill that is going to satisfy anyone completely. I hope we have come to the point where we can all see some merit in the other man's thinking and method and that some compromise may be worked out but most of all I join with my colleague from Grand Forks in the hope that we shall stay here until we have done a good job. I move that another conference committee be appointed.

Senator Streibel moved a substitute motion that we ask the House to return House Bill No. 3 for further consideration, which motion prevailed on a division vote.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to request the return of: House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. J. TROUT, Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return to the Senate: House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

As you request.

W. M. SMART, Chief Clerk.

Senator Troxel moved that we recess until 4:00 p. m., which motion prevailed.

The Senate reconvened at the expiration of the recess period.

### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return:  
Senate Concurrent Resolution "F."

Senate Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

Senator Solberg: "Mr. President: I am going to make a motion and I want to make an explanation beforehand. I don't mind having partial falsehoods printed about me or the body in which I am a member, but when entire falsehoods are printed, I feel that we should have an explanation. I hold here in my hand a copy of the Bismarck Tribune from which I quote: "All day Saturday, the Senate insisted upon its idea that the soldiers be permitted to vote only by proxy."

Mr. President. I contend that that statement is a deliberate and nasty lie and at this time, Mr. President, I make a motion that either the reporter who wrote this article, or the publisher himself be tried before the bar of the Senate on the truth or the falsehood of this statement.

Senator Solberg: I move that the rules be suspended and that the editor of the Bismarck Tribune be brought before the bar of the Senate.

Senator Stucke: "Mr. President: At different times things like this have happened but such a brazen, falsehood as this should not go unchallenged. I want to second the motion of Senator Solberg here to bring the guilty parties to the bar of the Senate, whoever that may be. Let us consult first the reporters for the Associated Press, and ask him if he had anything to do with it, or if the editor of the Bismarck Tribune wrote this. We still have a few minutes' time to get him up here and ask him a few questions. This must not go unchallenged as far as I am concerned."

Senator Watt moved a substitute motion that Senator Solberg's motion be laid on the table, which motion lost.

The question was now on the original motion of Senator Solberg, which lost as it did not carry a two-thirds majority, by ruling of the chair.

Senator Stucke: "Mr. President, it may take a two-thirds majority but by the Eternal, we won a moral victory."

Senator Solberg moved that the editor of the Bismarck Tribune and his reporters be denied the privilege of the Senate floor for the balance of the session, was declared lost by not having a two-thirds majority.

Senator Watt moved that the Committee on Elections be instructed to bring in House Bill No. 3.

Senator Streibel moved a substitute motion that the Committee on Elections be given another twenty minutes to work on House Bill No. 3, which motion prevailed.

Senator Young moved that the Senate recess for twenty minutes, which motion prevailed.

The Senate reconvened at the end of the recess period.

Senator Morgan of Richland moved that the rules be suspended and that all records in the Journal subsequent to the time House Bill No. 3 was sent to the Committee on Elections, be stricken from the records, which motion prevailed.

Senator Morgan of Richland moved that House Bill No. 3 be reconsidered by this body, which motion prevailed.

Senator Morgan of Richland moved that House Bill No. 3 be re-referred to the Committee on Elections, which motion prevailed.

Senator Morgan of Richland moved that the Senate be on the fifth order of business for the purpose of considering the report of the Committee on Elections on House Bill No. 3, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 3, have had the same under consideration and recommend the following further amendments:

In line 7 of the mimeographed copy of the original report of the committee on House Bill No. 3, in the title, after the words "relating to absent voters." insert a comma.

In line 8 of the mimeographed copy of the report, in the title, before the words "and permitting" strike out the word and punctuation "ballots:"

In line 14 of the mimeographed copy of the report, in the title, after the words "county auditor," insert the following: "providing a saving clause,".

In line three of the mimeographed copy of the report, in Section 7, insert the punctuation "," after the word "mother".

In lines 4 and 5 of the mimeographed copy of the report in Section 7, strike out the words "and if none, then a friend therein".

In Section 8 of the mimeographed copy of the report, strike out all of Sub-section "(c)" therein, and in lieu thereof insert the following: "(c) Each county auditor shall include with each absent voters ballot or ballots sent by him to each of the electors coming within the provisions of Section 6 of this Act, who is without the territorial limits of the United States of America, one such proxy appointment and a letter in the following language:

#### "LETTER"

'You may fill out the enclosed proxy appointment and mail it to the one you appoint or if you prefer to vote by absent voters ballot, fill out the enclosed absent voters ballot and return it to this office.

COUNTY AUDITOR, \_\_\_\_\_ County, \_\_\_\_\_  
North Dakota.'

Strike out all of Sub-section "(e)" in Section 8 of the report.

After Section 14 of the mimeographed copy of the report insert Section 15 as follows:

"SECTION 15. If any part of this Act shall be declared invalid, such invalidity shall not be held or deemed to effect or impair the operation of the remainder of this Act."

And when so re-amended recommend the same do pass.

G. I. FETON, Chairman.

Senator Fetton moved that the report be adopted.

Senator Morgan of Walsh moved a substitute motion that the report of the Committee on Elections be amended as follows:

Strike out everything in the report and substitute the following language:

"That the Senate recede from all amendments made to House Bill No. 3 and that House Bill No. 3 be placed on the calendar for passage in the exact form as it was originally received from the House, which motion lost on a roll call vote.

#### ROLL CALL

The question being on the motion of Senator Morgan of Walsh, the roll was called and there were ayes, 12; nays, 27; absent and not voting, 9.

Those voting in the affirmative were:

Braun	Guenther	Porter
Bridston	Morgan, Walsh	Rue
Brunsdale	Oksendahl	Watt
Flatt	Olson, Barnes	Young

Those voting in the negative were:

Adam	Hoenck	Page
Beaton	Kehoe	Raschko
Bilden	Lofthus	Semerad
Blank	Lynch	Solberg
Bond	Morgan, Richland	Streibel
Brant	Nelson, McKenzie	Stucke
Day	Nelson, Renville	Thatcher
Drew	Olson, McHenry	Troxel
Fetton	Olson, Mountrail	Wog

Absent and not voting:

Foss	Lavik	Nordhougen
Ginter	Nelson, Griggs-	O'Brien
Greiser	Steele	Schrock
Kamrath		

So the motion was declared lost.

The question now being on the original motion of Senator Fetton that the report of the Committee on Elections on House Bill No. 3 be adopted, the question was put and carried.

Senator Morgan of Richland moved that the rules be suspended and that House Bill No. 3 be placed on second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2,

1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 32; nays, 7; absent and not voting, 9.

Those voting in the affirmative were:

Adam	Kehoe	Raschko
Beaton	Lofthus	Rue
Bilden	Lynch	Semerad
Blank	Morgan, Walsh	Solberg
Bond	Morgan, Richland	Streibel
Brant	Nelson, McKenzie	Stucke
Bridston	Nelson, Renville	Thatcher
Day	Olson, Barnes	Troxel
Drew	Olson, McHenry	Wog
Feton	Olson, Mountrail	Young
Hoenck	Page	

Those voting in the negative were:

Braun	Guenther	Porter
Brunsdale	Oksendahl	Watt
Flatt		

Absent and not voting:

Foss	Lavik	Nordhousen
Ginter	Nelson, Griggs-	O'Brien
Greiser	Steele	Schrock
Kamrath		

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senator Porter moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Braun: "Mr. President, this is the first time I have had anything rammed down my throat, but I vote 'aye' for the purpose of clearing this up and get home."

Senator Morgan of Walsh: Mr. President, I desire to explain my vote for the records. The explanation that I gave the other day in correct form."

Senator Rue: "Mr. President: We came to this session for the main purpose of giving the soldier a vote. This is not the bill that I was for and would like to see passed, but in view of the fact that it is the only one we have up now to give the soldier a chance to vote, I vote 'aye'."

Senator Bridston: "Mr. President: Bridston votes 'aye', for the same reason as you will find on page 100 of Saturdays' Journal."

Senator Braun: "Mr. President, Braun changes his vote from 'aye' to 'nay' on second consideration.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853. of the Compiled Laws of North Dakota for

1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judge of the Supreme and District Courts, and Declaring an Emergency.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913, Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for

the Executive Secretary of the Commission; and Declaring an Emergency.

Which the President has signed.

W. J. TROUT, Secretary.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to return:

- House Concurrent Resolution No. 7.
- House Concurrent Resolution No. 8.
- House Concurrent Resolution No. 9.
- House Concurrent Resolution No. 10.
- House Concurrent Resolution No. 11.

Which the President has signed.

W. J. TROUT, Secretary.

SENATE COMMITTEE ON ENROLLMENT AND  
ENGROSSEMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Senate Bills No. 7 and 9 were delivered to the Governor for his approval at the hour of 3:00 o'clock p. m., March 27, 1944.

W. R. BOND, Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Concurrent Resolution "E" was delivered to the Secretary of State for his approval at the hour of 2:45 o'clock p. m., March 27, 1944.

W. R. BOND, Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

Senate Bill No. 16.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 16.

And the President signed the same in the presence of the Senate.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 16. A Bill for an Act to Establish an

Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and Making an Appropriation for the Use of Said Committee, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Senate Concurrent Resolutions "B" and "F" were delivered to the Secretary of State for his approval at the hour of 4:10 o'clock p. m., March 27, 1944.

W. R. BOND, Chairman.

Senate Chamber,  
Bismarck, March 27, 1944.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that:

- Senate Bill No. 1.
- Senate Bill No. 3.
- Senate Bill No. 4.
- Senate Bill No. 10.
- Senate Bill No. 13.
- Senate Bill No. 14.

Were delivered to the Governor for his approval at the hour of 6 o'clock p. m., March 27, 1944.

W. R. BOND, Chairman.

Senator Young moved that the Senate do recess until 8:00 this evening, which motion prevailed, and the Senate stood recessed.

The Senate reconvened at eight p. m., pursuant to recess taken.

Senator Day: "Mr. President: I received a long distance telephone call a few minutes ago from Senator Nordhogen to convey to this body, the thanks of himself and family for the courtesy of the Senate in passing and sending the memorial resolution for his father, and also for the memorial contribution that was given by the Senate to the Crippled Children's Home, in memory of his father. I might say that your Memorial Committee decided that that would be more appropriate than sending flowers under the circumstances."

Senator Solberg moved that the remarks of Senator Day be printed in the Journal, which motion prevailed.



## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Which the Senate has amended.

W. J. TROUT, Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President:

I have the honor to inform you that the Speaker has appointed as a conference committee to meet with a like committee of the Senate to place the Senate amendments to House Bill No. 3 in proper shape: Reps. Levine, Aker and Fraser.

W. M. SMART, Chief Clerk.

Senator Day moved that the President Pro Tem appoint a conference committee in conformity with the message received from the House, which motion prevailed.

The President Pro Tem appointed as such committee, Senators Solberg, Brunsdale and Day.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to inform you that the President of the Senate has appointed as a conference committee to act with a like committee of the House, to consider House Bill No. 3, Senators Solberg, Brunsdale and Day.

W. J. TROUT, Secretary.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return herewith the following bill which the Speaker has signed:

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and Making an Appropriation for the Use of Said Committee, and Declaring an Emergency.

W. M. SMART, Chief Clerk.

The Senate reconvened at the call of the Chair.

Senator Day: "Mr. President, the Senate committee is working with the committee from the House, and while they

are doing their work, the committee thought it would be advisable to facilitate matters in view of one or two additional changes that the bill be brought back over here and referred to that committee directly; therefore, Mr. President, I move that the Senate request the return of House Bill No. 3, from the House," which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to request the return of: House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. J. TROUT, Secretary.

Bismarck, March 27, 1944.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Senate Bill No. 16 was delivered to the Governor for his approval at the hour of 9:05 o'clock p. m., March 27, 1944.

W. R. BOND, Chairman.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. M. SMART, Chief Clerk.

Senator Day moved that the Senate reconsider the action by which it passed House Bill No. 3 as re-amended, which motion prevailed by two-thirds vote.

Senator Day moved that House Bill No. 3 be referred to the Special committee of the Senate last appointed to confer with a committee from the House, which motion prevailed.

Senator Flatt moved that the House recess to the call of the Chair, which motion prevailed.

The Senate reconvened at the call of the Chair.

Senator Day requested that the Senate be on the Sixth Order of Business, which request was granted.

#### REPORT OF SPECIAL COMMITTEE

Mr. President: Your special committee to whom was referred House Bill No. 3, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after "A Bill" and insert the following: "For an Act to amend and re-enact Sections 992, 993

and 995 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to absent voters, and permitting electors engaged in the defense of their country or members of the American Red Cross, Merchant Marine or United Service Organizations outside the territorial limits of the United States of America as a result of any war in which the United States of America may be engaged and until six months after the termination thereof, to vote by proxy during the emergency of any such war, defining the duties of the county auditor, providing a saving clause, and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:**

SECTION 1. AMENDMENT.) That Section 992 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

SECTION 992. ABSENT VOTERS' BALLOT. WHO MAY VOTE.) Any qualified elector of the state, who is absent from the county in which he is an elector, or who by reason of physical disability, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

SECTION 2.) AMENDMENT.) That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

SECTION 993. APPLICATION FOR BALLOTS. MADE WHEN.) At any time within seventy (70) days next preceding such election, any voter expecting to be absent on the day of the election from the county in which his voting precinct is situated, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

SECTION 3. AMENDMENT.) That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

SECTION 995.) APPLICATION FOR.) Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I, \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_ or the village of \_\_\_\_\_ or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the State of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election,

hereby make application for an official absent voters ballot to be voted by me at such election.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Postoffice \_\_\_\_\_

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

SECTION 4. AMENDMENT.) That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

SECTION 1002a3. ABSENT VOTERS BALLOT.) It shall be the duty of each county auditor upon receipt of an application for an absent voters ballot immediately to mail such absent voters ballot to such elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, non-commissioned officer not below the rank of a sergeant or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and provided further that such affidavit need not have any venue. Provided, however, that it shall be the duty of such county auditor, at least sixty (60) days before any primary or general election, of his own accord and without application, to send such absent voters ballot to every elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913, who is a member of the armed forces of the United States of America, in every case wherein the address of such elector is furnished such county auditor.

SECTION 5. AMENDMENT.) That Section 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

SECTION 1002a4. BALLOT AND CANVASSING.) Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by

this Act, and shall thereupon, in the presence of such officer and of no other persons, mark such ballot or ballots in the manner provided in Section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope, shall proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voters ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

SECTION 6.) That during any National emergency arising out of the United States of America being engaged in war and until the expiration of six months after the termination thereof, the duly qualified electors of the State of North Dakota, men and women, who may be serving in the armed forces of the United States, the American Red Cross, the Merchant Marine or the United Service Organizations outside the territorial limits of the United States, may delegate his right to vote and shall be permitted to vote by proxy at all statewide elections, primary and general.

SECTION 7.) (a) Every qualified elector coming within the provisions of Section 6, desiring to vote by proxy at any such election, shall name in writing either his mother, father, brother, sister, husband, or wife, if any he has in the county of his residence as his proxy to cast his vote at any such election.

(b) Such proxy appointment shall be in substantially the following form: I \_\_\_\_\_ a duly qualified elector of the township of \_\_\_\_\_ of the village of \_\_\_\_\_ of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, and of the County of \_\_\_\_\_, of the State of North Dakota, to my best knowledge and belief entitled to vote at such precinct at the next election, and now serving in the defense of the United States of America outside the territorial limits thereof, do hereby name \_\_\_\_\_ of \_\_\_\_\_ County, North Dakota, who is my \_\_\_\_\_ as my \_\_\_\_\_ (father, mother, brother, sister, husband, or wife) proxy to vote for me in my name at the \_\_\_\_\_ election to be held in the State of North Dakota on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

X

We as witnesses to the signature of the above named elector hereby certify that we know such elector and know that his signature thereto is genuine.

\_\_\_\_\_  
 \_\_\_\_\_  
 Witnesses

(c) Such proxy appointment shall be signed in his own hand by the elector on the line of which the letter X appears,

in the presence of two of his comrades who shall sign as witnesses to the signature of such elector on the blank lines therefor.

SECTION 8.) Each county auditor in the state of North Dakota, shall, for every such election held during any such national emergency:

(a) Provide such proxy appointment, with a reprint of subdivisions (a) and (c) of Section 7 of this Act on the back thereof.

(b) Any relative or friend of any such elector, having the information, is required to furnish the name and military address and each change in such address as same may occur of such elector to the county auditor of the county of the residence of such elector and such county auditor shall make and preserve a permanent record in his office of the names and addresses so furnished him and the date of mailing each proxy appointment and shall keep such record concealed from the public.

(c) Each county auditor shall include with each absent voters ballot or ballots sent by him to each of the electors coming within the provisions of Section 6 of this Act, who is without the territorial limits of the United States of America, one such proxy appointment and a letter in the following language:

"LETTER

You may fill out the enclosed proxy appointment and mail it to the one you appoint or if you prefer to vote by absent voters ballot, fill out the enclosed absent voters ballot and return it to this office.

County Auditor, \_\_\_\_\_ County, \_\_\_\_\_  
North Dakota."

(d) Such county auditor shall include with each such proxy an unaddressed envelope with the postage thereon fully prepaid by air mail, to be used by the elector in returning the proxy appointment to his proxy.

SECTION 9.) Such proxy appointment must be presented by the proxy to the Election Board of the precinct wherein such elector is qualified to vote, whereupon such proxy shall be furnished such ballot as the elector would be entitled to receive if personally present, and shall be permitted to vote such ballot for and on behalf of such elector unless such election board shall have theretofore received evidence it deems sufficient that such elector is deceased.

SECTION 10.) The proxy appointment shall be filed with the election board and shall, by it, be returned to the county auditor with the other election returns, and by him kept and preserved for the period of two years after the expiration of the emergency.

SECTION 11.) Any elector coming within the provisions of Section 6 of this Act, may at his option vote personally or by his absent voters ballot or by a proxy at any such election, and if he shall vote personally or his absent voters ballot shall have been filed with the election board before his proxy offers to vote, the vote of the proxy shall be rejected. However, if a duly appointed proxy shall have voted before the elector offers to vote personally or before his absent voters ballot shall be presented, his personal vote shall be rejected.

SECTION 12.) The proxy must be a duly qualified voter of the county of the residence of the elector in the State of North Dakota, but need not be a resident of the precinct wherein the elector resides. If he is not a resident of such precinct, he shall file with the election board an affidavit stating of what precinct he is a resident.

SECTION 13. REPEAL.) That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

SECTION 14. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

SECTION 15. SAVINGS CLAUSE.) If any part of this Act shall be declared invalid, such invalidity shall not be held or deemed to impair the operation of the remainder of this Act.

And when so amended recommend the same do pass.

IVER SOLBERG, Chairman.

Senator Solberg moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Day moved that the rules be suspended, that House Bill No. 3 be considered properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed, on a two-thirds vote.

SECOND READING OF HOUSE BILLS

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Was read the second time.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 30; nays, 10; absent and not voting, 8.

Those voting in the affirmative were:

Adam	Hoenck	Page
Beaton	Kehoe	Raschko
Bilden	Lavik	Semerad
Blank	Lofthus	Solberg
Bond	Lynch	Streibel
Brant	Morgan, Richland	Stucke
Bridston	Nelson, McKenzie	Thatcher
Day	Nelson, Renville	Troxel
Drew	Olson, McHenry	Wog
Feton	Olson, Mountrail	Young

Those voting in the negative were:

Braun	Guenther	Olson, Barnes
Brunsdale	Morgan, Walsh	Rue
Flatt	Oksendahl	Watt
Greiser		

Absent and not voting:

Foss	Nelson, Griggs-	O'Brien
Ginter	Steele	Porter
Kamrath	Nordhousen	Schrock

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Day moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Bridston: "Mr. President, I wish to explain my vote. I am against any bill that has a proxy on a matter of principle. But in order to give the House a chance to consider this bill, I vote 'aye'."

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Which the Senate has amended.

W. J. TROUT, Secretary.

Senator Day moved that the Senate recess to the call of the Chair, which motion prevailed.

The Senate re-convened at the call of the Chair.

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 3 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Reps. Sandness, Hofstrand and Shure.

W. M. SMART, Chief Clerk.

Senator Day moved that the presiding officer appoint a conference committee to meet with a like committee from the House on House Bill No. 3, which motion lost.

Senator Day moved that the Senate request the return of House Bill No. 3, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 27, 1944.

Mr. Speaker: I have the honor to inform you that the Senate has requested the return of:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. J. TROUT, Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 27, 1944.

Mr. President: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-



enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. M. SMART, Chief Clerk.

Senator Day rose to a point of personal privilege.

Senator Day: "Mr. President and fellow Senators: There are times when men must make important decisions. I believe this is one of those times for us. After full debate the House has by a narrow margin refused to concur in our amendments to House Bill No. 3. Had three of the negative votes been ours, it would have carried. When we passed it here we stood forty to four. I believe a majority of both houses really favor the idea. But to do our boys any good this June, an emergency clause must be attached to any bill and that takes a two-thirds majority in both houses. We have little chance in my opinion to get a two-thirds majority in the House. There are those who oppose it in principle—for them I have profound respect, and if our reasoning has not by this time convinced them it probably will not do so within a reasonable time, and certainly it is not our desire to, for any other reason force them to change their votes. I realize personalities have entered the picture and there are those who have been influenced by motives having no relation to the merits of the bill. For them I have less respect. I am a great believer in a bi-cameral legislature. Bad legislation can often be passed in one House but seldom through both. Good legislation may not be enacted as soon but should be more perfect when enacted.

I have never seen this senate so nearly unanimous on any proposition and as strongly debated, as they are on this proxy bill. And yet we have made changes so many times for the purpose of trying to break the deadlock between the Houses that we hardly recognize our idea. Its present form does not express the best judgment of this body. We favored only the proxy vote for those overseas—and now it provides for sending absent voters ballots also. That is just one point. We must admit that our amendments to House Bill No. 3 make a sort of 'hodge-podge' under the circumstances, most of which we could not avoid.

I reported to you on one of the conference committees that it was suggested that our Senate Bill No. 6 (our original proxy bill) be revised and passed in the House as a compromise deal, whereby we would recede from amendments to House Bill No. 3 and pass it with the result that both plans would be placed on the governor's desk—and thus end the deadlock even though the fate of Senate Bill No. 6 should not be in grave doubt. Most of us must go home soon. We are not justified in much further deliberation.

Mr. President, if the carcass of House Bill No. 3 can stand one more trip, I move you that the Senate request the House to return House Bill No. 3 so that we can give the Senate amendments such burial as they deserve." Which motion prevailed.

Senator Day moved that the vote by which House Bill No. 3 was passed be reconsidered, which motion prevailed on a roll call vote.

## ROLL CALL

The question being on the motion of Senator Day, the roll was called and there were ayes, 23; nays, 16; absent and not voting, 9.

Those voting in the affirmative were:

Bond	Flatt	Olson, Barnes
Brant	Greiser	Page
Braun	Guenther	Rue
Bridston	Hoenck	Thatcher
Brunsdale	Lavik	Troxel
Day	Morgan, Walsh	Watt
Drew	Morgan, Richland	Young
Feton	Oksendahl	

Those voting in the negative were:

Adam	Lynch	Raschko
Beaton	Nelson, McKenzie	Solberg
Bilden	Nelson, Renville	Streibel
Blank	Olson, McHenry	Stucke
Kehoe	Olson, Mountrail	Wog
Lofthus		

Absent and not voting:

Foss	Nelson, Griggs-	Porter
Ginter	Steele	Schrock
Kamrath	Nordhougen	Semerad
	O'Brien	

So the motion was declared carried.

Senator Young moved that the Senate recess until 11:00 a. m., Tuesday, March 28th, which motion prevailed on a division vote, and the Senate stood recessed.

W. J. TROUT, Secretary.

## NINTH DAY AFTER RECESS AND TENTH DAY

Bismarck, March 28, 1944.

The Senate re-convened at 11:00 o'clock a. m., pursuant to recess taken, with the presiding officer in the chair.

Senator Drew (the presiding officer): "Last evening we voted on the reconsideration of House Bill No. 3 after we had it returned from the House. The vote was 23 ayes, 16 nays and 9 absent. I declared that vote passed. But I didn't consider the fact that there was a clincher on it before it went over to the House and that being true, it required a two-thirds vote, so the vote really lost because it didn't have a two-thirds vote, so the motion to reconsider House Bill No. 3 last evening failed."

Senator Blank: "Seeing that motion lost, I would like to make a motion to return House Bill No. 3 back to the House," which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Which the Senate has ordered.

W. J. TROUT, Secretary.

Senator Day moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate re-convened at the call of the chair.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to inform you that the House has voted not to appoint a conference committee with respect to House Bill No. 3.

W. M. SMART, Chief Clerk.

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to inform you that the Speaker has appointed Reps. Graham, Bergesen and Anderson

to meet with a like committee of the Senate to consider adjournment for a definite time or sine die.

W. M. SMART, Chief Clerk.

Senator Day: "Mr. President, I move that it be the sense of this Senate that we do not adjourn until some satisfactory method of arranging for a soldier vote has been agreed upon," which motion prevailed.

Senator Day: "Mr. President, I move that the President appoint a conference committee of three to meet with a like committee from the House, if and when the House appoints one, for the purpose of further discussing the legislation on the soldier vote," which motion prevailed.

And the President appointed Senators Brunsdale, Nelson of Renville and Olson of Mountrail.

Senator Bridston requested that the Senate be on the eighth order of business, which request was granted.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

##### SENATE CONCURRENT RESOLUTION "G"

Introduced by Senators Streibel and Bridston

WHEREAS, one of the great problems which faces the people of the agricultural state of North Dakota is the problem of adequately assisting our returned farmers and farm boys to become farm home owners in this State,

AND WHEREAS, North Dakota needs the courage, the vision, the experience and the stamina of our returned veterans, who are farm born and farm bred, and who will contribute greatly to the upbuilding of this State through the years,

AND WHEREAS, it is essential and necessary to any good sound constructive farm plan, that complete, detailed and down-to-the-ground information be secured, based upon a detailed canvass of each individual soldier, and his plans, his means and his needs,

AND WHEREAS, The Greater North Dakota Association, with the cooperation of hundreds of farmers and town people throughout the State, is now engaged in a survey of North Dakota, outside of the towns, cities, and villages, on an individual basis, to secure such information,

AND WHEREAS, the survey now covers 327 townships, and is progressing steadily throughout the State, and whereas such information will be of great value to the 29th Legislative Assembly, when it convenes in January 1945, providing basic information, necessary for that assembly to base a definite farm program on,

BE IT THEREFORE RESOLVED, that the 28th Legislative Assembly of the State of North Dakota, in extraordinary session assembled, extend its sincere thanks to the President, the officers, directors and members of the Greater North Dakota Association, as well as to the hundreds of farmers and town people, who have completed individual township surveys, and who will complete the surveys of the rest of North Dakota's townships, without charge and without cost, for their splendid and patriotic service, which we are con-

fidient will be most helpful to our successor, the 29th Legislative Assembly.

Was read the first time.

Senator Bridston moved that Senate Concurrent Resolution "G" be adopted, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee of the House to confer on soldiers' voting, Senators Brunsdale, Nelson of Renville and Olson of Mountrail.

W. J. TROUT, Secretary.

Senator Day requested that the Senate be on the fourth order of business for the purpose of reading a communication from the Attorney General's office, which request was granted.

Bismarck, March 27, 1944.

Hon Carroll E. Day,  
State Senator,  
Bismarck, North Dakota.

Dear Senator Day:

Your letter of March 27th addressed to the Attorney General has been received and contents of same have been noted.

You state that the Legislature is contemplating legislation which permits absent voters ballots to be voted overseas and mailed back to the election officials in this state. Assuming that this is done, and further assuming that such ballots would be opened for censorship purposes, could the election officials count such ballots or would it be a violation of secrecy of the ballot to permit their use?

The first question presented here is whether or not the opening of an absent voters ballot by Government officials for the purpose of censorship, would be in violatoin of Section 129 of the Constitution of the State of North Dakota which provides:

"All elections by the people shall be by secret ballot, subject to such regulations as shall be provided by law."

We have made a somewhat thorough search of authorities and judicial decisions on the question of secrecy of the ballot. It is generally held that in order to safeguard the purity of elections, State Constitutions provide that the secrecy of voting shall be preserved and it has been held many times that a constitutional provision that voting shall be by ballot, implies an environment of secrecy. Similar laws have been enacted in many of the States to secure and preserve the secrecy of the ballot. These laws have generally been sustained by the Courts.

The general rule requires voting by secret ballot, although exceptions have been made in cases of persons who are illiterate, blind or otherwise disabled, and our State laws

have recognized this and have enacted statutes to that effect. In has further been held that while a constitutional provision for secrecy in voting is mandatory, statutes, designed to effectuate the purpose of secrecy are merely directory in prescribing means and methods to secure such end. However, Courts have held that the right to secrecy is a personal privilege of the voter, open to waiver, and that in the absence of absolute statutory provision to the contrary, the voter may waive his constitutional right to cast his ballot in secrecy.

In the case of Board -v- Dill (Okla.) 110 Pac. 1107, 29 LRA (NS) 1170, it was held:

"The primary purpose and object of the Australian ballot election law is to secure the independence of the elector by requiring of him the exercise of his right of franchise in absolute secrecy, and statutes, mandatory in their character, designed to accomplish this end, are mandatory on both the officials and the electors."

In the case of Hooper -v- McNaughton, 214 Pac. 618, it was held that:

"While provisions of election statutes requiring secrecy are highly important and should be observed, they are not mandatory in the strict sense and the question of whether an exposed ballot should be counted will depend on the circumstances attending the exposure."

In a case considering the right of an elector to waive the privilege of secrecy, the Court pointed out that a voter does not waive his constitutional right to secret ballot, unless he has knowledge of his rights and of surrounding facts enabling him to protect himself, and that it must be shown under the facts of the case that he had such knowledge.

Withers -v- Board of Com'rs. 146 S. E. 225.

In our search of authorities upon the question of secrecy we have found no decision directly in point. However, we believe that the following conclusions are supported by judicial authority.

1. If a soldier serving overseas votes by absent voters ballot in the presence of duly authorized officers, and verifies same before such authorized officers, seals it and places it in the mail, and it is found by the election officers that the same has been opened subsequent to voting, verification and mailing; then it is our opinion that the secrecy of such ballot has been violated.

2. If a soldier serving overseas has voted the absent voters ballot in the presence of a duly authorized officer and has verified the same before such officer and placed the same in the mail and if the envelope containing such ballot, when received by the election officers bears a stamp "Passed by Censor" but bears no evidence of having been opened, it is our opinion that the secrecy of such ballot has not been violated.

Respectfully submitted,  
ALVIN C. STRUTZ,  
Attorney General.

P. O. SATHRE,  
C. E. BRACE,  
C. F. KELSCH,  
Assistant Attorneys General.

Senator Lavik moved that the above communication as read by the secretary, be printed in the Journal, which motion prevailed.

### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution "G." Be It Resolved, That the 28th Legislative Assembly of the State of North Dakota, in Extraordinary Session Assembled, Extend Its Sincere Thanks to the President, the Officers, Directors and Members of the Greater North Dakota Association, as Well as to the Hundreds of Farmers and Town People, Who Have Completed Individual Township Surveys, and Who Will Complete the Surveys of the Rest of North Dakota's Townships, Without Charge and Without Cost, for Their Splendid and Patriotic Service, Which We Are Confident Will Be Most Helpful to Our Successor, the 29th Legislative Assembly.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

Senate Concurrent Resolution "G." Be It Resolved, That the 28th Legislative Assembly of the State of North Dakota, in Extraordinary Session Assembled, Extend Its Sincere Thanks to the President, the Officers, Directors and Members of the Greater North Dakota Association, as Well as to the Hundreds of Farmers and Town People, Who Have Completed Individual Township Surveys, and Who Will Complete the Surveys of the Rest of North Dakota's Townships, Without Charge and Without Cost, for Their Splendid and Patriotic Service, Which We Are Confident Will Be Most Helpful to Our Successor, the 29th Legislative Assembly.

Which the House has passed unchanged.

W. M. SMART, Chief Clerk.

### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on soldiers' vote, Reps. Graham, Bergesen and Anderson.

W. M. SMART, Chief Clerk.

Senator Young moved the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reconvened at the call of the chair.

Senator Brunsdale moved that the Senate request the return of Senate Bill No. 6 and House Bill No. 3, from the House, which motion prevailed.

Senator Brunsdale moved that the Senate rescind their action as regards the return of Senate Bill No. 6, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to inform you that the Senate has requested the return of House Bill No. 3.

W. J. TROUT, Secretary.

SENATE COMMITTEE ON ENROLLMENT AND  
ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following resolution:

Senate Concurrent Resolution "G."

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed, and the report was adopted.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Concurrent Resolution "G."

And the President signed the same in the presence of the Senate.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to inform you that the House has reconsidered its action in indefinitely postponing Senate Bill No. 6 and has referred same to House Judiciary Committee for amendment.

W. M. SMART, Chief Clerk.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

W. M. SMART, Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution "G." Be It Resolved, That the 28th Legislative Assembly of the State of North Dakota, in Extraordinary Session Assembled, Extend Its Sincere Thanks to the President, the Officers, Directors and Members of the Greater North Dakota Association, as Well as to the



Hundreds of Farmers and Town People, Who Have Completed Individual Township Surveys, and Who Will Complete the Surveys of the Rest of North Dakota's Townships, Without Charge and Without Cost, for Their Splendid and Patriotic Service, Which We Are Confident Will Be Most Helpful to Our Successor, the 29th Legislative Assembly.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

Senate Concurrent Resolution "G." Be It Resolved, That the 28th Legislative Assembly of the State of North Dakota, in Extraordinary Session Assembled, Extend Its Sincere Thanks to the President, the Officers, Directors and Members of the Greater North Dakota Association, as Well as to the Hundreds of Farmers and Town People, Who Have Completed Individual Township Surveys, and Who Will Complete the Surveys of the Rest of North Dakota's Townships, Without Charge and Without Cost, for Their Splendid and Patriotic Service, Which We Are Confident Will Be Most Helpful to Our Successor, the 29th Legislative Assembly.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

Senator Brunsdale moved that at this time the Senate reconsider its action on House Bill No. 3, which motion prevailed on a two-thirds vote, as announced by the president.

Senator Morgan of Walsh moved that the Senate recede from all amendments which it has made to House Bill No. 3 and that House Bill No. 3 be placed on the calendar in the exact form in which it was originally received from the House, which motion prevailed.

Senator Morgan of Walsh moved that the rules be suspended and that House Bill No. 3 be considered properly re-engrossed and placed on second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as originally received from the House, the roll was called and there were ayes, 36; nays, 1; absent and not voting, 11.

Those voting in the affirmative were:

Adam	Flatt	Olson, Barnes
Beaton	Guenther	Olson, McHenry
Bilden	Hoenck	Olson, Mountrail
Blank	Kehoe	Porter

Bond	Lavik	Rue
Brant	Lofthus	Semerad
Braun	Lynch	Solberg
Bridston	Morgan, Walsh	Streibel
Brunsdale	Morgan, Richland	Stucke
Day	Nelson, McKenzie	Troxel
Drew	Nelson, Renville	Watt
Feton	Oksendahl	Young

Those voting in the negative were:

Greiser

Absent and not voting:

Foss	Nordhogen	Schrock
Ginter	O'Brien	Thatcher
Kamrath	Page	Wog
Nelson, Griggs-	Raschko	
Steele		

So the bill passed and the title was agreed to and the emergency clause declared carried.

Senator Day moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Brunsdale requested that the Senate be on the fifth order of business, which request was granted.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Elections to whom was referred House Bill No. 9, have had the same under consideration and recommend that the same be indefinitely postponed.

G. I. FETON, Chairman.

Senator Feton moved the report be adopted.

Senator Stucke moved a substitute motion that House Bill No. 9 be recommended to pass, which motion prevailed.

Senator Young moved that the Senate do now adjourn, which motion prevailed.

W. J. TROUT, Secretary.

#### TENTH DAY

Bismarck, March 28, 1944.

The Senate convened at 2:00 p. m., with the presiding officer, Senator Drew, in the chair.

Prayer by the Chaplain, Rev. Humphrey of Mandan.

Roll call: All Senators present except Senators Foss, Ginter, Kamrath, Nelson of Griggs, Nordhogen, O'Brien, Raschko and Schrock.

Senator Watt moved that all absent Senators be excused except Senator Ginter, which motion prevailed.

The Committee on Revision and Correction of the Journal made the following report:

Mr. President: Your Committee on Revision and Correction of the Journal have carefully examined the Journal of the Ninth Day and recommend that the same be corrected as follows:

Page 1, change Eighth Day to Ninth Day.

And when so corrected recommend that the same be approved.

J. J. KEHOE, Chairman.

Senator Kehoe moved that the report be adopted, which motion prevailed and the report was adopted.

### SECOND READING OF HOUSE BILLS

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Was read the second time.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

Adam	Guenther	Olson, Mountrail
Beaton	Hoenck	Page
Bilden	Kehoe	Porter
Blank	Lofthus	Rue
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Solberg
Bridston	Morgan, Richland	Streibel
Brunsdale	Nelson, McKenzie	Stucke
Day	Nelson, Renville	Thatcher
Drew	Oksendahl	Troxel
Feton	Olson, Barnes	Young
Greiser	Olson, McHenry	

Absent and not voting:

Bond	Lavik	Raschko
Flatt	Nelson, Griggs-	Schrock
Foss	Steele	Watt
Ginter	Nordhougen	Wog
Kamrath	O'Brien	

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senator Brunsdale moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate re-convened at the call of the chair.

### COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that

Senate Concurrent Resolution "G."

Was delivered to the Secretary of State for his approval at the hour of 3:05 o'clock p. m., March 28, 1944.

W. R. BOND, Chairman.

### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 6. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as Amended by Chapter 148 of the

Session Laws of 1941 to Amend and Re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters, and Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine or United Service Organizations Outside the Territorial Limits of the United States of America as a Result of Any War in Which the United States of America May Be Engaged and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duties of the County Auditor, Providing a Saving Clause, and Declaring an Emergency.

Which the House has amended.

W. M. SMART, Chief Clerk.

Senator Day requested that the Senate be on the eighth order of business, which request was granted.

Senator Day moved that the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Day moved that the vote by which House Bill No. 9 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Day requested that the Senate be on the ninth order of business, which request was granted.

#### MESSAGE TO THE HOUSE

Senate Chamber,

Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Which the Senate has passed unchanged.

W. J. TROUT, Secretary.

House amendments to Senate Bill No. 6:

Strike out everything after "A Bill" and insert the following: "For an Act to amend and re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to absent voters, and permitting electors engaged in the defense of their country or members of the American

Red Cross, Merchant Marine or United Service Organizations outside the territorial limits of the United States of America as a result of any war in which the United States of America may be engaged and until six months after the termination thereof, to vote by proxy during the emergency of any such war, defining the duties of the county auditor, providing a saving clause, and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.)** That Section 992 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 148 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

**SECTION 992. ABSENT VOTERS' BALLOT. WHO MAY VOTE.)** Any qualified elector of the state, who is absent from the county in which he is an elector, or who by reason of physical disability, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

**SECTION 2.) AMENDMENT.)** That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

**SECTION 993. APPLICATION FOR BALLOTS. MADE WHEN.)** At any time within seventy (70) days next preceding such election, any voter expecting to be absent on the day of the election from the county in which his voting precinct is situated, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

**SECTION 3. AMENDMENT.)** That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

**SECTION 995.) APPLICATION FOR.)** Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I, \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_ or the village of \_\_\_\_\_ or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the State of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Postoffice \_\_\_\_\_

Provided, that if the application be made for a primary election ballot such application shall also give the name of

the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

SECTION 4. AMENDMENT.) That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

SECTION 1002a3. ABSENT VOTERS BALLOT.) It shall be the duty of each county auditor upon receipt of an application for an absent voters ballot immediately to mail such absent voters ballot to such elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, non-commissioned officer not below the rank of a sergeant or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and provided further that such affidavit need not have any venue. Provided, however, that it shall be the duty of such county auditor, at least sixty (60) days before any primary or general election, of his own accord and without application, to send such absent voters ballot to every elector in the manner provided in Section 997 of the Compiled Laws of North Dakota for 1913, who is a member of the armed forces of the United States of America, in every case wherein the address of such elector is furnished such county auditor.

SECTION 5. AMENDMENT.) That Section 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

SECTION 1002a4. BALLOT AND CANVASSING.) Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act, and shall thereupon, in the presence of such officer and of no other persons, mark such ballot or ballots in the manner provided in Section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope, shall proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voters ballots; provided, however, that if any such envelope is received by such county auditor too late to be for-

warded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

SECTION 6.) That during any National emergency arising out of the United States of America being engaged in war and until the expiration of six months after the termination thereof, the duly qualified electors of the State of North Dakota, men and women, who may be serving in the armed forces of the United States, the American Red Cross, the Merchant Marine or the United Service Organizations outside the territorial limits of the United States, may delegate his right to vote and shall be permitted to vote by proxy at all statewide elections, primary and general.

SECTION 7.) (a) Every qualified elector coming within the provisions of Section 6, desiring to vote by proxy at any such election, shall name in writing either his mother, father, brother, sister, husband, or wife, if any he has in the county of his residence as his proxy to cast his vote at any such election.

(b) Such proxy appointment shall be in substantially the following form: I \_\_\_\_\_ a duly qualified elector of the township of \_\_\_\_\_ of the village of \_\_\_\_\_ of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, and of the County of \_\_\_\_\_, of the State of North Dakota, to my best knowledge and belief entitled to vote at such precinct at the next election, and now serving in the defense of the United States of America outside the territorial limits thereof, do hereby name \_\_\_\_\_ of \_\_\_\_\_ County, North Dakota, who is my \_\_\_\_\_ as my

(father, mother, brother, sister, husband, or wife) proxy to vote for me in my name at the \_\_\_\_\_ election to be held in the State of North Dakota on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

X

We as witnesses to the signature of the above named elector hereby certify that we know such elector and know that his signature thereto is genuine.

\_\_\_\_\_  
Witnesses

(c) Such proxy appointment shall be signed in his own hand by the elector on the line of which the letter X appears, in the presence of two of his comrades who shall sign as witnesses to the signature of such elector on the blank lines therefor.

SECTION 8.) Each county auditor in the state of North Dakota, shall, for every such election held during any such national emergency:

(a) Provide such proxy appointment, with a reprint of subdivisions (a) and (c) of Section 7 of this Act on the back thereof.

(b) Any relative or friend of any such elector, having the information, is required to furnish the name and military address and each change in such address as same may occur of such elector to the county auditor of the county of the residence of such elector and such county auditor shall make and preserve a permanent record in his office of the names and addresses so furnished him and the date of mailing each proxy appointment and shall keep such record concealed from the public.

(c) Each county auditor shall include with each absent voters ballot or ballots sent by him to each of the electors coming within the provisions of Section 6 of this Act, who is without the territorial limits of the United States of America, one such proxy appointment and a letter in the following language:

"LETTER

You may fill out the enclosed proxy appointment and mail it to the one you appoint or if you prefer to vote by absent voters ballot, fill out the enclosed absent voters ballot and return it to this office.

County Auditor, \_\_\_\_\_ County, \_\_\_\_\_  
North Dakota."

(d) Such county auditor shall include with each such proxy an unaddressed envelope with the postage thereon fully prepaid by air mail, to be used by the elector in returning the proxy appointment to his proxy.

SECTION 9.) Such proxy appointment must be presented by the proxy to the Election Board of the precinct wherein such elector is qualified to vote, whereupon such proxy shall be furnished such ballot as the elector would be entitled to receive if personally present, and shall be permitted to vote such ballot for and on behalf of such elector unless such election board shall have theretofore received evidence it deems sufficient that such elector is deceased.

SECTION 10.) The proxy appointment shall be filed with the election board and shall, by it, be returned to the county auditor with the other election returns, and by him kept and preserved for the period of two years after the expiration of the emergency.

SECTION 11.) Any elector coming within the provisions of Section 6 of this Act, may at his option vote personally or by his absent voters ballot or by a proxy at any such election, and if he shall vote personally or his absent voters ballot shall have been filed with the election board before his proxy offers to vote, the vote of the proxy shall be rejected. However, if a duly appointed proxy shall have voted before the elector offers to vote personally or before his absent voters ballot shall be presented, his personal vote shall be rejected.

SECTION 12.) The proxy must be a duly qualified voter of the county of the residence of the elector in the state of North Dakota, but need not be a resident of the precinct wherein the elector resides. If he is not a resident of such precinct, he shall file with the election board an affidavit stating of what precinct he is a resident.



SECTION 13. REPEAL.) That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

SECTION 14. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

SECTION 15. SAVINGS CLAUSE.) If any part of this Act shall be declared invalid, such invalidity shall not be held or deemed to impair the operation of the remainder of this Act.

Senator Day moved that the Senate do concur in the House amendments to Senate Bill No. 6, which motion prevailed.

Senator Day moved that the rules be suspended and that Senate Bill No. 6 be considered properly re-engrossed and placed on second reading and final passage, as amended by the House, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 6. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as Amended by Chapter 148 of the Session Laws of 1941 to Amend and Re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters, and Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine or United Service Organizations Outside the Territorial Limits of the United States of America as a Result of Any War in Which the United States of America May Be Engaged and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duties of the County Auditor, Providing a Saving Clause, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of the bill, as amended by the House, the roll was called and there were ayes, 35; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

Adam	Flatt	Olson, McHenry
Beaton	Guenther	Olson, Mountrail
Bilden	Hoenck	Page
Blank	Kehoe	Porter
Bond	Lofthus	Rue
Brant	Lynch	Semerad
Braun	Morgan, Walsh	Stucke
Bridston	Morgan, Richland	Thatcher
Brunsdale	Nelson, McKenzie	Troxel
Day	Nelson, Renville	Wog
Drew	Oksendahl	Young
Feton	Olson, Barnes	

Absent and not voting:

Foss	Nelson, Griggs-	Schrock
Ginter	Steele	Solberg
Greiser	Nordhougen	Streibel

Kamrath  
Lavik

O'Brien  
Raschko

Watt

So the bill passed and the title was agreed to, and the emergency clause carried.

Senator Stucke moved that the vote by which Senate Bill No. 6 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Young moved that the Senate, by written statement, request the return of Senate Bill No. 15 from the Governor's office for the purpose of amending it and making an additional appropriation of some \$2700 in employees and other salaries, which motion prevailed.

#### MESSAGE TO THE GOVERNOR

Bismarck, March 28, 1944.

Hon. John Moses, Governor  
Bismarck, North Dakota

Pursuant to the motion of Senator Young, the Senate is asking for the return from your office of Senate Bill No. 15 for the purpose of making amendments in the appropriation for employees salaries and other expenses.

Very truly yours,

W. J. TROUT, Secretary.

Senator Young moved that the rules be suspended and that the Senate reconsider the action by which Senate Bill No. 15 was passed, which motion prevailed.

Senator Young moved that Senate Bill No. 15 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Stucke moved that the rules be suspended and that the Senate reconsider its action on Senate Bill No. 23, which motion lost.

The Senate recessed subject to the call of the chair.

The Senate reconvened at the call of the chair.

Senator Young moved that Senate Bill No. 15 be returned from the Committee on Appropriations, which motion prevailed.

Senator Young moved that Senate Bill No. 15 be amended as follows: "In line 8 of the engrossed bill, strike out the figure "\$15,645.00" and insert in lieu thereof "\$19,495.00". In line 12 of the engrossed bill, strike out the figure "\$100.00" and insert in lieu thereof the figure "\$250.00". In line 15 of the engrossed bill, strike out the figures "\$16,000.00" and insert in lieu thereof the figures "\$20,000.00"., which motion prevailed.

Senator Young moved that the rules be suspended, that Senate Bill No. 15 be considered properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Was read the second time.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 34; nays, 1; absent and not voting, 13.

Those voting in the affirmative were:

Adam	Guenther	Olson, Mountrail
Beaton	Hoenck	Page
Bilden	Kehoe	Porter
Blank	Lofthus	Rue
Bond	Lynch	Semerad
Brant	Morgan, Richland	Solberg
Braun	Nelson, McKenzie	Stucke
Bridston	Nelson, Renville	Thatcher
Brunsdale	Oksendahl	Troxel
Drew	Olson, Barnes	Wog
Feton	Olson, McHenry	Young
Flatt		

Those voting in the negative were:

Day

Absent and not voting:

Foss	Morgan, Walsh	Raschko
Ginter	Nelson, Griggs-	Schrock
Greiser	Steele	Streibel
Kamrath	Nordhougen	Watt
Lavik	O'Brien	

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senator Porter moved that the vote by which Senate Bill No. 15 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is requested.

W. J. TROUT, Secretary.

Senator Young: "Mr. President, I wouldn't want this session to close without making some statement as to some of the difficulties which we have faced this session. I was worried more than most of your fellows really knew as to the final outcome and I really thought at one time that nothing would be done. But the fact that the soldiers' vote bill has been passed is due largely to the leadership of several Senators in this Session. I could mention several of them but I am only going to mention the men who in the closing hours of this session had much to do with the success of the session. Those two men are Morgan of Richland and Stucke of McLean. I have much respect for the Senator across the aisle. I have known him for a number of years. I think he is intelligent, liberal, and has lots of ability. Without such leadership in the closing hours, it might have been a failure. It is some-

thing that the people of North Dakota do not understand—without a few fellows of that kind, the end of this session would not have been a success. The people of North Dakota don't understand that men can honestly differ and that all can be right; sometimes our opinions which we think are right, later turn out to be wrong. I am very happy and pleased that the session is closing successfully."

Senator Stucke: "Mr. President, I want to thank Senator Young for his remarks and what little I had to do was infinitesimal in my estimation and should have been done. I don't claim all the credit; that big fellow on the end, Phil Blank, had some ideas too—don't forget him. This has been a stormy session at times; some breast-beating as the Bismarck Tribune told us about. Maybe we do beat our breasts sometimes; we are proud. When the eagles and birds feel good they do beat their own breasts. Thank you, Milt Young, for the nice words you have spoken about us; we will be back here next session and have more fun."

Senator Morgan of Richland: "Mr. President, I didn't intend to say anything but I want to join Dr. Stucke in thanking Milt Young for the kind words that he has said at the close of this session and am glad for the impression of harmony, for which he is duly grateful and I think each and every one of us are. I think the thing that we will all have to go home bearing in mind is that the judgment of no one person can be infallible. Some of us are going home with very firm belief that the gesture made here today in behalf of harmony; harmony between these legislative bodies and those constituents who have sent us up here. I feel it was the only thing we could do in justice to them, and I am glad that we are ending on a note of harmony."

Senator Drew (President Pro Tem): "I want to take this opportunity of thanking you all for the work and assistance you have been to me. I know that this job would have been much more difficult for me without your help. I want to thank you."

Senator Page moved that the above remarks be printed in the Journal, which motion prevailed.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the House has passed unchanged.

W. M. SMART, Chief Clerk.  
House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to transmit:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2,

1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

W. M. SMART, Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 3.

House Bill No. 9.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to return:

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Which the President has signed.

W. J. TROUT, Secretary.

Mr. President: Your Committee on Enrollment and Engraving respectfully report that they have examined the following bills:

Senate Bill No. 6.

Senate Bill No. 15.

And find the same correctly enrolled.

W. R. BOND, Chairman.

Senator Bond moved that the report be adopted, which motion prevailed and the report was adopted.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 6.

Senate Bill No. 15.

And the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, March 28, 1944.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 6. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as Amended by Chapter 148 of the Session Laws of 1941 to Amend and Re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters, and Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine or United Service Organizations Outside the Territorial Limits of the United States of America as a Result of Any War in Which the United States of America May Be Engaged and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duties of the County Auditor, Providing a Saving Clause, and Declaring an Emergency.

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

W. J. TROUT, Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, March 28, 1944.

Mr. President: I have the honor to return:

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Senate Bill No. 6. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913 as Amended by Chapter 148 of the Session Laws of 1941 to Amend and Re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters, and Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine or United Service Organizations Outside the Territorial Limits of the United States of America as a Result of Any War in Which the United States of America May Be Engaged and Until Six Months After the Termination Thereof, to Vote by Proxy During the Emergency of Any Such War, Defining the Duties of the County Auditor, Providing a Saving Clause, and Declaring an Emergency.

Which the Speaker has signed.

W. M. SMART, Chief Clerk.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that:

Senate Bill No. 6.

Senate Bill No. 15.

Were delivered to the Governor for his approval March 28, 1944.

W. R. BOND, Chairman.

Senator Day rose to a point of personal privilege.

Senator Day: "Mr. President, I have an unsigned document I should like to read.

I been waitin' on de senate  
I been waitin' on de senate  
I been waitin' on de senate  
All de livelong day

I been waitin' on de senate  
Just to pass de time away

Cant' you hear de members snorin'  
Right across de way  
Can't you even pass a motion?  
What will The Tribune say?

Senator Morgan of Walsh moved that the presiding officer appoint a committee of three to notify the Governor that the Senate had completed its work and was about to adjourn sine die, which motion prevailed.

The presiding officer appointed as such committee Senators Morgan of Walsh, Lofthus and Thatcher.

Senator Bond moved that the presiding officer appoint a committee of three to notify the House that the Senate had completed its business and was about to adjourn sine die, which motion prevailed.

And the presiding officer appointed as such committee Senators Bond, Solberg and Troxel.

Senator Morgan of Walsh reported that the committee to notify the Governor had completed its work and asked to be discharged, which request was granted.

Senator Bond reported that the committee to notify the House had completed its work and asked to be discharged, which request was granted.

Senator Bond moved that the Senate adjourn sine die, which motion prevailed and the Senate stood adjourned sine die.

W. J. TROUT, Secretary.

# INDEX

---

## MISCELLANEOUS

Executive session, 71.

Appointment of A. S. Marshall to Board of Higher Education, 71.

Ginter—Absent all session.

Nelson of Dickey—Deceased. Name removed from the record, 10.

## COMMUNICATIONS

From Governor, 1, 14.

From Attorney General, 6, 19.

From Secretary of State, 1.

From Commissioner of Insurance, 19.

## SELECT COMMITTEE

Investigating Committee (Per S. C. R. "B")—Bridston, Thatcher and Page.



## RECORD OF BILLS AND RESOLUTIONS IN THE SENATE

### Senate Bill No. 1—(Senators Stucke and Young)

Senate Bill No. 1. A Bill for an Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Biennium Beginning July 1, 1943, and Ending June 30, 1945, to Provide for the Control of Predatory Animals Such as Wolves, Coyotes, Bobcats and Other Predatory Animals Which are Injurious to Livestock, Poultry and Game Animals and Birds; to Authorize Cooperation with the United States in the Control of Such Predatory Animals; and in Addition Thereto Appropriating for the Same Purpose the Net Proceeds of Furs, Skins or Specimens Sold, Making Such Proceeds Available in a Sum Not to Exceed Twenty Thousand (\$20,000.00) Dollars, and to Provide for Funds to Enable the Department of Agriculture and Labor of the State of North Dakota to Carry Out the Provisions of this Act; Providing for a Transfer to the State Emergency Fund of \$5,000.00 from the Appropriation Herein Made to Reimburse Said Fund for Monies Transferred Therefrom in Anticipation of Said Appropriation; Declaring an Emergency and Repealing all Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 7.

Reported back, 15.

Other action, 81.

Second reading, 28, '81.

To House, 37.

Returned to Senate, 79.

House amendments, 81.

Signed by President, 120.

Sent to Governor, 138.

### Senate Bill No. 2—(Senators Stucke and Young)

Senate Bill No. 2. A Bill for an Act to Amend and Re-enact Section 9498 of the 1913 Compiled Laws Prohibiting the Setting of Spring—or Other Gun or Trap or Device, Operated by Firing or Exploding of Gunpowder or Other Explosive; Providing Certain Exceptions, and Declaring an Emergency.

Introduction, first reading and reference, 7.

Re-referred, 8.

Reported back, 21.

Amendments, 21.

Second reading, 32.

To House, 49.

Returned to Senate, 86.

Signed by President, 110.

Sent to Governor, 118.

### Senate Bill No. 3—(Senators Stucke and Young)

Senate Bill No. 3. A Bill for an Act Suspending Sales of Farm and Grazing Lands Owned by the State of North Dakota, Its Agencies and Subdivisions, Subject to Specified Exceptions, and Declaring an Emergency.

Introduction, first reading and reference, 7.  
Reported back, 39.  
Amendments, 39, 95.  
Other action, 89, 93, 95, 134.  
Second reading, 46, 95, 112, 134.  
To House, 60, 96.  
Returned to Senate, 112.  
House amendments, 112.  
Signed by President, 120.  
Sent to Governor, 138.

**Senate Bill No. 4—(Senators Stucke and Young)**

Senate Bill No. 4. A Bill for an Act to Amend Chapter 178 of the Laws of 1943, Providing for the Recording of the Discharge Papers from the National Guard, the Army, Navy, Marine Corps, and all Other Branches of the Military Forces of the United States, Without Fee; Declaring an Emergency; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 8.  
Reported back, 15, 39.  
Amendments, 39.  
Other action, 31, 80.  
Referred back, 31.  
Second reading, 47, 80.  
To House, 60.  
Returned to Senate, 79.  
House amendments, 80.  
Signed by President, 120.  
Sent to Governor, 138.

**Senate Bill No. 5—(Senators Stucke, Drew, Bridston and Day)**

Senate Bill No. 5. A Bill for an Act Authorizing and Directing the State Health Department to Secure and Process Blood; to Store and Distribute Blood Plasma Free of Charge to the People of the State of North Dakota; Providing an Appropriation of \$10,000.00 Therefor; and Declaring an Emergency.

Introduction, first reading and reference, 9.  
Reported back, 16, 22.  
Re-referred, 16.  
Amendments, 22.  
Second reading, 32.  
To House, 49.  
Returned to Senate, 86.  
Signed by President, 110.  
Sent to Governor, 118.

**Senate Bill No. 6—(Committee on Elections)**

Senate Bill No. 6. A Bill for an Act Permitting Electors Engaged in the Defense of Their Country or Members of the American Red Cross, Merchant Marine, or the United Service Organizations Outside the Territorial Limits of the United States, as a Result of Any War in Which the United States of America May Be Engaged, and Until Six Months After the Termination Thereof, to Vote by Proxy During the

Emergency of Any Such War, Defining the Duty of the County Auditor, and Declaring an Emergency.

- Introduction, first reading and reference, 9.
- Reported back, 29.
- Amendments, 29.
- Other action, 42, 153, 154.
- Second reading, 42, 163.
- To House, 60, 168.
- Returned to Senate, 158, 168.
- House amendments, 158.
- Signed by President, 167.
- Enrolled, 167.
- Sent to Governor, 169.

**Senate Bill No. 7—(Senators Raschko, Flatt and Lynch)**

Senate Bill No. 7. A Bill for an Act to Amend and Re-enact Section 2125 of the Compiled Laws of North Dakota for 1913 as Amended by Section 1 of Chapter 248 of the Session Laws of 1929, Providing for the Election, Qualifications and Compensation of Officers in Townships and in Unorganized Districts; Declaring an Emergency.

- Introduction, first reading and reference, 9.
- Reported back, 30.
- Second reading, 47.
- To House, 60.
- Returned to Senate, 111.
- Signed by President, 125.
- Sent to Governor, 137.

**Senate Bill No. 8—(Senator Flatt)**

Senate Bill No. 8. A Bill for an Act Reappropriating Monies Heretofore Appropriated for Improvements and Repairs of the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

- Introduction, first reading and reference, 9.
- Reported back, 16.
- Second reading, 31.
- To House, 49.
- Returned to Senate, 86.
- Signed by President, 110.
- Sent to Governor, 118.

**Senate Bill No. 9—(Committee on Judiciary)**

Senate Bill No. 9. A Bill for an Act to Include in the Printed Volumes of the North Dakota Revised Code of 1943, All of the Laws Enacted at the Extraordinary Session of the North Dakota 28th Legislative Assembly, Commencing March 20, 1944, and Declaring an Emergency.

- Introduction, first reading and reference, 10.
- Reported back, 30.
- Second reading, 48.
- To House, 60.
- Returned to Senate, 111.
- Signed by President, 125.
- Sent to Governor, 137.

**Senate Bill No. 10—(Senators Page, Lofthus, Wog, Brant,  
Bridston and Lavik)**

Senate Bill No. 10. A Bill for an Act Making an Appropriation to Pay the Per Diem of Examiners as Provided for in Chapter 155 of the Session Laws of 1943 and Declaring an Emergency.

Introduction, first reading and reference, 10.  
Reported back, 17, 22.  
Re-referred, 17.  
Amendments, 22.  
Other action, 35, 83.  
Second reading, 35, 83.  
To House, 50.  
Returned to Senate, 79.  
House amendments, 83.  
Signed by President, 120.  
Sent to Governor, 138.

**Senate Bill No. 11—(Senators Page, Lofthus, Wog, Brant,  
Bridston and Lavik)**

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Payment of Premiums on Insurance Provided for in Chapter 152 of the Session Laws of 1943, and Declaring an Emergency.

Introduction, first reading and reference, 10.  
Reported back, 17, 22.  
Re-referred, 17.  
Amendments, 22.  
Second reading, 35.  
To House, 50.  
Returned to Senate, 86.  
Signed by President, 110.  
Sent to Governor, 118.

**Senate Bill No. 12—(Senators Page, Lofthus, Wog, Brant,  
Bridston and Lavik)**

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Return of Assessments to State Institutions, State Departments, State Industries and Political Subdivisions for Assessments Paid by Them to the State Fire and Tornado Fund Contrary to the Provisions of Chapter 159 of the Session Laws of 1943.

Introduction, first reading and reference, 11.  
Reported back, 17, 22.  
Re-referred, 17.  
Amendments, 22.  
Second reading, 36.  
To House, 50.  
Returned to Senate, 86.  
Signed by President, 110.  
Sent to Governor, 118.

**Senate Bill No. 13—(Senators Page, Lofthus, Wog, Brant,  
Bridston and Lavik)**

Senate Bill No. 13. A Bill for an Act to Amend and Re-enact Section 1, 13 and 19 of Chapter 159 of the Laws of 1943 (being Sections 26-2401, 26-2413 and 26-2419 of the

Revised Code for 1943), defining the words "Commissioner", "Fund", "Political Subdivision", and "Permanent Contents" as Used in the State Fire and Tornado Fund Law; Providing for the Assessments to Be Made for Such Fund; and Providing the Method of Repair or Replacement of Destroyed Buildings, and Declaring an Emergency.

Introduction, first reading and reference, 11.  
 Reported back, 17.  
 Other action, 82.  
 Second reading, 33, 82.  
 To House, 50.  
 Returned to Senate, 79.  
 House amendments, 82.  
 Signed by President, 120.  
 Sent to Governor, 138.

**Senate Bill No. 14—(Senator Watt)**

Senate Bill No. 14. A Bill for an Act to Amend and Re-enact Subsection (1) of Section 287 of the Supplement to the Compiled Laws of North Dakota, as Amended by Chapter 215 of the Session Laws for 1929, Relating to the Investment of University and School Land Funds; and Providing that Monies So Invested Shall Bear Interest at the Rate of Three and One-half Percent Per Annum; and Declaring an Emergency.

Introduction, first reading and reference, 11.  
 Reported back, 18.  
 Amendments, 34.  
 Other action, 85.  
 Second reading, 34, 85.  
 To House, 50.  
 Returned to Senate, 80.  
 House amendments, 85.  
 Signed by President, 120.  
 Sent to Governor, 138.

**Senate Bill No. 15—(Committee on Appropriations)**

Senate Bill No. 15. A Bill for an Act Making an Appropriation to Defray the Expenses of the Extraordinary Legislative Session of 1944, and the Expenses of the Governor's Advisory Committee, and Declaring an Emergency.

Introduction, first reading and reference, 11.  
 Reported back, 22.  
 Re-referred, 164.  
 Amendments, 22, 43, 164.  
 Other action, 164.  
 Second reading, 43, 164.  
 To House, 60, 165, 168.  
 Returned to Senate, 93, 166, 168.  
 Signed by President, 96, 167.  
 Enrolled, 167.  
 Sent to Governor, 107, 169.  
 Approved by Governor, 127.

**Senate Bill No. 16—(Senator Page)**

Senate Bill No. 16. A Bill for an Act to Establish an Interim Legislative Committee to Investigate Charges Made

Against the Department of Insurance, to Fix the Duties of Such Committee and Provide the Procedure for Such Committee, to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal, and Making an Appropriation for the Use of Said Committee, and Declaring an Emergency.

Introduction, first reading and reference, 11.  
 Reported back, 23, 52.  
 Re-referred, 17, 23.  
 Amendments, 52.  
 Second reading, 64.  
 To House, 69.  
 Returned to Senate, 126.  
 Signed by President, 137.  
 Sent to Governor, 140.

**Senate Bill No. 17—(Committee on Insurance)**

Senate Bill No. 17. A Bill for an Act Amending and Re-enacting Subdivision 4 of Section 1 of Chapter 159 of the Session Laws of 1943, Defining the Term "Permanent Contents" and Declaring an Emergency.

Introduction, first reading and reference, 12.  
 Reported back indefinitely postponed, 18.

**Senate Bill No. 18—(Committee on Insurance)**

Senate Bill No. 18. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 152 of the Laws of 1943, Requiring the Commissioner of Insurance to Procure Catastrophe Insurance, to Regulate the Type and Extent Thereof, Making an Appropriation for the Payment of Premiums and Declaring an Emergency.

Introduction, first reading and reference, 12.  
 Reported back indefinitely postponed, 18.

**Senate Bill No. 19—(Senators Beaton & Morgan of Richland)**

Senate Bill No. 19. A Bill for an Act to Amend and Re-enact Section 859 and 860 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 139 of the Session Laws of 1939—and Providing a Penalty for the Violation Thereof, and Declaring an Emergency.

Introduction, first reading and reference, 12.  
 Reported back, 30.  
 Other action, indefinitely postponed, 37, 39.

**Senate Bill No. 20—(Senator Flatt)**

Senate Bill No. 20. A Bill for an Act Legalizing Marriages by Proxy Where the Man or Woman Is a Member of the Armed Forces Serving Outside the United States, Desiring to Marry Persons Residing in the United States and That the Law for Marriage by Proxy Shall be Valid for the Duration of the War and Until Peace Is Declared.

Introduction, first reading and reference, 12.  
 Reported back, 18.  
 Amendments, 18.  
 Other action, 34, 35, 46.  
 Second reading, lost, 56.

# SENATE RESOLUTIONS

## Senate Concurrent Resolution "A"—(Senators Stucke and Young)

Senate Concurrent Resolution "A." Reference to Publishing a Popular and Authenticated Edition of the Session Laws of the Special Session of the Twenty-eighth Legislative Assembly.

- Introduction, first reading and reference, 8.
- Reported back, 18.
- Second reading, 43.
- To House, 60.
- Returned to Senate, 86.
- Signed by President, 110.
- Sent to Secretary of State, 118.

## Senate Concurrent Resolution "B"—(Senator Page)

Senate Concurrent Resolution "B." To Establish an Interim Legislative Committee to Investigate Charges Made Against the Department of Insurance, to Fix the Duties of Such Committee and Provide Its Procedure and to Compel the Attendance of Witnesses and the Production of Records Before the Committee and/or Its Representatives, and Fix Penalties for Refusal.

- Introduction, first reading and reference, 11.
- Re-referred, 17.
- Reported back, 23.
- Other action, 124.
- Second reading, 44, 113.
- To House, 68.
- Returned to Senate, 112.
- House amendments, 113.
- Signed by President, 125.
- Sent to Secretary of State, 138.

## Senate Resolution "C"—(Senator Bond)

- Introduction, first reading and reference, 12.
- Reported back, 30.
- Adopted, 45.
- To House, 60.
- Returned to Senate, 86.
- Signed by President, 110.
- Sent to Secretary of State, 118.

## Senate Resolution "D"—(Senators Streibel, Greiser, Day and Foss)

- Introduction, first reading, 45.
- Adopted, 46.
- Signed by President, 62.
- Sent to Secretary of State, 118.

## Senate Concurrent Resolution "E"—(Committee on Appropriations)

- Introduction, first reading and adoption, 41.
- To House, 60.

Returned to Senate, 86.  
Signed by President, 110.  
Sent to Secretary of State, 137.

**Senate Concurrent Resolution "F"**

Introduction, first reading and reference, 118.  
Second reading and adoption, 119.  
To House, 120.  
Returned to Senate, 121.  
Signed by President, 125.  
Sent to Secretary of State, 138.

**Joint Memorial Resolution "A"**

Introduced and adopted at joint session, House Journal, 19, 20.  
Signed by President, 62.  
Returned to House, 63.  
To Secretary of State, 118.

**Joint Memorial Resolution "B"**

Introduced and adopted at joint session, House Journal, 20, 20.  
Signed by President, 62.  
Returned to House, 63.  
To Secretary of State, 118.

**Joint Memorial Resolution "C"**

Introduced and adopted at joint session, House Journal, 20, 21.  
Signed by President, 62.  
Returned to House, 63.

**Senate Concurrent Resolution "G"—Senators Streibel and  
Bridston)**

Senate Concurrent Resolution "G." Be It Resolved, That the 28th Legislative Assembly of the State of North Dakota, in Extraordinary Session Assembled, Extend Its Sincere Thanks to the President, the Officers, Directors and Members of the Greater North Dakota Association, as Well as to the Hundreds of Farmers and Town People, Who Have Completed Individual Township Surveys, and Who Will Complete the Surveys of the Rest of North Dakota's Townships, Without Charge and Without Cost, for Their Splendid and Patriotic Service, Which We Are Confident Will Be Most Helpful to Our Successor, the 29th Legislative Assembly.

Introduction and adoption, 150.  
To House, 153.  
Returned to Senate, 153, 155.  
Enrolled and signed, 154.  
Delivered to Secretary of State, 157.



# INDEX TO MEMBERS

## PRESIDING OFFICER DREW

- Oath of office, 2.
- Bills and Concurrent Resolutions, 9.
- Committee report, 30.
- Motion, 30.
- Explanation on reconsideration of H. B. No. 3, 149.
- Remarks, 166.

## ADAM

## BEATON

- Bills and Concurrent Resolutions, 12.

## BILDEN

## BLANK

- Conference Committees, 124.
- Motions, 32 (2), 77, 149.

## BOND

- Bills and Concurrent Resolutions, 12.
- Committees, 169.
- Committee reports, 51, 53, 54, 70 (2), 71, 96, 107, 110 (2), 117, 118 (2), 125 (2), 137 (3), 138 (2), 140, 154, 157, 169.
- Motions, 10, 45, 51, 54 (2), 70, 71 (2), 96, 110 (2), 117, 125 (2), 154, 169 (2).
- Communication, 5.

## BRANT

- Bills and Concurrent Resolutions, 10 (2), 11 (2).
- Committees, 118.
- Motions, 4, 43.

## BRAUN

- Committee Reports, 62 (2), 70.
- Motions, 13, 35, 41, 47, 62 (2), 70, 71, 72, 76 (3).
- Request, 7.
- Explanation of vote, 98, 135.
- Reconsideration of vote, 135.

## BRUNSDALE

- Committees, 150.
- Motions, 153 (2), 155, 157.
- Conference committee, 139.

## BRIDSTON

- Bills and Concurrent Resolutions, 9, 10 (2), 11 (2), 150.
- Committee reports, 18, 39, 61, 78 (2), 114, 124.
- Motions, 10, 18, 30, 34, 35, 39, 62, 71, 78 (2), 113 (2), 114 (2), 124 (2), 151.
- Withdrew motion, 10.
- Explanation of vote, 98, 135, 146.
- Point of personal privilege, 127.

## DAY

- Bills and Concurrent Resolutions, 9, 45.
- Conference committees, 109, 118, 139.

- Committee report, 116.  
 Motions, 6, 7, 10, 27, 31, 34, 41, 42 (3), 48, 68, 70, 75, 76,  
 97 (2), 101 (2), 109, 116 (2), 130, 139 (2), 140 (2), 145,  
 146 (4), 147, 149, 150 (2), 156, 158, 163.  
 Withdrew motion, 10, 116.  
 Announcement, 59.  
 Remarks, 130, 138, 147, 169.  
 Communication from Attorney General, 151.
- FETON**  
 Conference committee, 124.  
 Committee reports, 29, 30 (2), 62, 63 (3), 64, 65, 66 (3),  
 67 (3), 87 (5), 88 (4), 89, 127, 156.  
 Motions, 30 (2), 62, 63 (2), 64 (2), 65, 66 (2), 64 (4),  
 87 (4), 88 (5), 134, 156.
- FLATT**  
 Bills and Concurrent Resolutions, 9 (2), 12.  
 Committee reports, 15, 18, 39.  
 Motions, 4, 16, 18, 31, 39, 40, 46, 48, 65, 71, 77, 84, 85, 96, 98,  
 99, 100, 105, 113, 119, 140.
- FOSS**  
 Bills and Concurrent Resolutions, 45.
- GREISER**  
 Bills and Concurrent Resolutions, 45.  
 Committee reports, 15, 18.  
 Motions, 15, 18.
- GUENTHER**
- HOENCK**
- KEHOE**  
 Committee reports, 30, 41, 70, 101, 125, 126, 156.  
 Motions, 30, 41, 70, 101, 125, 126, 157.
- LAVIK**  
 Bills and Concurrent Resolutions, 10 (2), 11 (2).  
 Committee report, 69.  
 Motions, 70, 72, 153.
- LOFTHUS**  
 Bills and Concurrent Resolutions, 10 (2), 11 (2).  
 Committees, 169.  
 Motions, 36.
- LYNCH**  
 Bills and Concurrent Resolutions, 9.  
 Conference committee, 124.
- MORGAN of Richland**  
 Bills and Concurrent Resolutions, 12.  
 Conference committee, 109.  
 Committee reports, 21, 116.  
 Motions, 8, 22, 33, 37, 81 (2), 82, 93, 133 (4), 134.  
 Remarks, 166.

**MORGAN of Walsh**

Committees, 2, 3, 5, 169.

Committee report, 169.

Motions, 2, 3, 15, 21, 62, 65, 66, 71, 84, 97, 134, 155 (2), 169.

Explanation of vote, 98, 135.

**NELSON of Griggs-Steele****NELSON of McKenzie****NELSON Of Renville**

Committees, 150.

**NORDHOUGEN**

Committee report, 27.

Motions, 13, 27.

**O'BRIEN**

Conference committee, 116.

Committee report, 118.

Motions, 5, 13, 27, 31, 52, 58, 116 (2), 124.

Withdrew motion, 116.

**OKSENDAHL****OLSON of Barnes****OLSON of McHenry****OLSON of Mountrail**

Committees, 150.

Explanation of vote, 45.

**PAGE**

Bills and Concurrent Resolutions, 10 (2), 11 (4), 23.

Committee, 124.

Conference committee, 109.

Committee reports, 17 (4), 18 (2), 23 (2), 116, 118, 122.

Motions, 6, 17 (4), 18 (2), 19, 23 (2), 35, 82 (2), 83 (3), 101, 116, 118, 122, 124, 166.

**PORTER**

Committees, 2, 4.

Motions, 35, 37, 44, 47, 57, 73, 102, 103 (2), 105, 106, 114, 135, 165.

**RASCHKO**

Bills and Concurrent Resolutions, 9.

Conference committee, 116.

Committee report, 118.

**RUE**

Motion, 2.

Explanation of vote, 98, 135.

**SCHROCK****SEMERAD**

Motions, 83.

## SOLBERG

Committees, 2, 3, 169.  
 Committee report, 140.  
 Motions, 71, 73, 132 (2), 138, 145.  
 Conference committee, 139.

## STREIBEL

Bills and Concurrent Resolutions, 45, 150.  
 Conference committee, 116.  
 Committee report, 118.  
 Motions, 29, 46, 59, 131, 133.  
 Speech, 38.  
 Explanation of vote, 45.

## STUCKE

Bills and Concurrent Resolutions, 7 (3), 8 (2), 9.  
 Committees, 2, 4, 118.  
 Committee reports, 16, 61, 124.  
 Motions, 16, 61, 62, 124, 156, 164 (2).  
 Explanation of vote, 45.  
 Remarks, 132, 166.

## THATCHER

Committees, 124, 169.  
 Committee report, 4.  
 Motions, 4, 4, 34 (2), 60.

## TROXEL

Committees, 2, 169.  
 Motions, 10, 34, 107, 124, 131.

## WATT

Bills and Concurrent Resolutions, 11, 13.  
 Committees, 2, 4.  
 Committee reports, 15, 16, 22 (4), 26, 52 (2), 53 (2).  
 Motions, 2, 4, 5, 7, 7, 10, 13, 15, 16, 22(3), 23, 26, 27, 28, 34,  
 41 (2), 42, 43, 50, 52, 53 (3), 64, 70, 74 (2), 85 (2), 86,  
 113, 124, 125, 127, 132 (2), 156.  
 Explanation of vote, 47, 99.  
 Remarks, 60.

## WOG

Bills and Concurrent Resolutions, 10 (2), 11 (2).  
 Motions, 2.

## YOUNG

Bills and Concurrent Resolutions, 7 (3), 8 (2).  
 Committees, 3.  
 Committee reports, 53 (4), 62 (2).  
 Motions, 5, 8, 10 (2), 12, 12, 16, 17, 18, 27, 28, 29, 37, 40,  
 51 (2), 53 (4), 59, 61, 62 (3), 64, 69, 70, 71 (2), 72, 73,  
 74, 80 (2), 81, 89 (2), 95 (5), 109, 112 (2), 114, 116,  
 124 (2), 133, 138, 148, 153, 156, 164 (6).  
 Request, 59.  
 Explanation of vote, 99.  
 Withdrew motion, 116.  
 Remarks, 165.

# HOUSE BILLS

## House Bill No. 2.

Referred to Committee on Elections.

House Bill No. 2. A Bill for an Act to Amend and Re-enact Section 853 of the Compiled Laws of North Dakota for 1913, Relating to the Obtaining and Filing of Petitions of Candidates for United States Senate, Members of Congress, State Officers, Judges of the Supreme and District Courts, and Declaring an Emergency.

Received from House, 55.  
First reading and reference, 57.  
Reported back, 63, 87.  
Amendments, 63.  
Re-referred, 70.  
Second reading, 102.  
To House, 108.  
Signed by President, 129.  
Returned to House, 135.

## House Bill No. 3

Referred to Committee on Elections.

House Bill No. 3. A Bill for an Act to Amend and Re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 148 of the Session Laws of 1941, Repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; Declaring an Emergency.

Received from House, 55.  
First reading and reference, 57.  
Reported back, 63, 89.  
Amendments, 63, 89.  
Re-referred, 70.  
Other action, 97, 116, 140, 145, 146, 147, 149, 158.  
Second reading, 97, 139, 145, 155.  
To House, 109, 167.  
Report of Special Committee, 140.  
Signed by President, 167.  
Returned to House, 149, 158.  
Conference Committees, 109, 116, 118, 124, 139, 151, 153, 153, 154, 154.  
Conference Committee Reports, 116, 118, 124, 127.

## House Bill No. 4

Referred to Committee on Elections.

House Bill No. 4. A Bill for an Act to Amend and Re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the Secretary of State, County Auditor or any Other Officer by Law Required to Prepare General or Primary Election Ballots; Fixing Time When Said Ballots Are to Be Prepared; Declaring an Emergency.

Received from House, 55.  
First reading and reference, 57.  
Reported back, 63, 87.  
Amendments, 64.

Re-referred, 70.  
Second reading, 102.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.

#### House Bill No. 5

Referred to Committee on Elections.

House Bill No. 5. A Bill for an Act to Amend and Re-enact Section 920 of the Compiled Laws of North Dakota for 1913; Relating to Certification by the Secretary of State to County Auditors of a Certified List of Names and Addresses of Candidates at the Primary Election, and Declaring an Emergency.

Received from House, 55.  
First reading and reference, 57.  
Reported back, 64, 87.  
Amendments, 64.  
Re-referred, 70.  
Second reading, 103.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.

#### House Bill No. 6

Referred to Committee on Appropriations, State Affairs.

House Bill No. 6. A Bill for an Act Amending and Re-enacting the Initiated Act Approved by the Electors of the State of North Dakota on November 8, 1932, Which Act Amended and Re-enacted Section 719 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to the Salaries of Judges of the Supreme Court of the State of North Dakota, and Providing for an Increase of Salaries for Said Supreme Court Judges from Five Thousand Dollars (\$5,000.00) to Five Thousand, Five Hundred Dollars (\$5,500.00) a Year; and Declaring an Emergency.

Received from House, 49, 68.  
First reading and reference, 50, 68.  
Re-referred, 50.  
Reported back, 78.  
Other action, 52, 54.  
Second reading, 84.  
To House, 94.  
Signed by President, 115.  
Returned to House, 116.

#### House Bill No. 7

Referred to Committee on Elections.

House Bill No. 7. A Bill for an Act to Amend and Re-enact Chapter 138 of the Session Laws of 1939, Relating to Filing of Vacancies of Elective County Officers, Superintendent of Schools, and County Commissioners on the No-party Ballot; Declaring an Emergency.

Received from House, 55.  
First reading and reference, 57.

Reported back, 65, 87.  
 Amendments, 65.  
 Other action, 65.  
 Re-referred, 70.  
 Second reading, 103.  
 To House, 108.  
 Signed by President, 129.  
 Referred to House, 136.

#### House Bill No. 8

Referred to Committee on Elections.

House Bill No. 8. A Bill for an Act to Amend and Re-enact Section 979 of the Compiled Laws of North Dakota for 1913, Relating to Certification by Secretary of State to County Auditors of Proposed Constitutional Amendment and Publication for Same in the Several Counties of the State; and Declaring an Emergency.

Received from House, 55.  
 First reading and reference, 57.  
 Reported back, 66, 87.  
 Amendments, 66.  
 Re-referred, 70.  
 Second reading, 104.  
 To House, 108.  
 Signed by President, 129.  
 Returned to House, 136.

#### House Bill No. 9

Referred to Committee on Elections.

House Bill No. 9. A Bill for an Act to Amend and Re-enact Sections 1002a3 and 1002a4 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Absent Voters' Ballots for Voters Not in the County on Election Day and Serving in the Armed Forces of the United States, Declaring an Emergency.

Received from House, 55.  
 First reading and reference, 58.  
 Reported back, 66, 156.  
 Re-referred, 70, 158.  
 Other action, 88, 101, 157.  
 To House, 158, 167.  
 Signed by President, 167.

#### House Bill No. 10

Referred to Committee on Elections.

House Bill No. 10. A Bill for an Act to Amend and Re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Time of Certification of Nomination to Be Filed with the Secretary of State and Certificates of Nomination to Be Filed with the County Auditors; Certification by the Secretary of State to County Auditors, and Declaring an Emergency.

Received from House, 55.  
 First reading and reference, 58.  
 Reported back, 66, 88.

Amendments, 66.  
Re-referred, 70.  
Second reading, 105.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.

**House Bill No. 11**

Referred to Committee on Judiciary.

House Bill No. 11. A Bill for an Act Amending and Re-enacting Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, as Amended by Chapter 139 of the Session Laws of 1931, Relating to the Obtaining and Filing of Petitions for County Officers, County Commissioners and Legislative Candidates, Filing Fees Therefor and Declaring an Emergency.

Received from House, 56.  
First reading and reference, 58.  
Reported back, 67, 88.  
Amendments, 67.  
Re-referred, 70.  
Second reading, 105.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.

**Senate Bill No. 12**

Referred to Committee on Elections.

House Bill No. 12. A Bill for an Act to Amend and Re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935, Fixing Time for the Primary Election, for the Election of Precinct Committeemen and Declaring an Emergency.

Received from House, 56.  
First reading and reference, 58.  
Reported back, 67, 88.  
Amendments, 67.  
Re-referred, 70.  
Second reading, 106.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.

**House Bill No. 13**

Referred to Committee on Judiciary, Elections.

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 976 of the Compiled Laws of North Dakota for 1913, Relating to Withdrawal of Nominees from Public Office as Candidates; Fixing Time Within Which Such Withdrawal May Be Made; Declaring an Emergency.

Received from House, 55.  
First reading and reference, 58.  
Reported back, 61, 67, 88.  
Re-referred, 62, 70.  
Amendments, 67.  
Second reading, 107.  
To House, 108.  
Signed by President, 129.  
Returned to House, 136.



**House Bill No. 14**

Referred to Committee on Appropriations.

House Bill No. 14. A Bill for an Act Making an Appropriation for Payment of the Increase in the Elevator Maintenance Contract for the State Capitol, and Declaring an Emergency.

Received from House, 40.  
 First reading and reference, 45.  
 Reported back, 52.  
 Second reading, 76.  
 To House, 94.  
 Signed by President, 115.  
 Returned to House, 115.

**House Bill No. 15**

Referred to Committee on Appropriations.

House Bill No. 15. A Bill for an Act Making an Appropriation for the Increase of Salaries of the Appointive Members of the Board of Administration, and Declaring an Emergency.

Received from House, 40.  
 First reading and reference, 45.  
 Reported back, 53.  
 Second reading, 77.  
 To House, 94.  
 Signed by President, 115.  
 Returned to House, 117.

**House Bill No. 17**

Referred to Committee on Appropriations, State Affairs.

House Bill No. 17. A Bill for an Act Fixing the Salary of the State Tax Commissioner at Four Thousand Dollars (\$4,000.00) Per Annum, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 49.  
 First reading and reference, 50.  
 Re-referred, 51.  
 Reported back, 53.  
 Second reading, 72.  
 To House, 94.  
 Signed by President, 115.  
 Returned to House, 117.

**House Bill No. 18**

Referred to Committee on Counties, State Affairs.

House Bill No. 18. A Bill for an Act Authorizing Counties, Cities, Villages, School Districts and Townships to Invest Surpluses in Their General Fund in Bonds of the United States and the State of North Dakota; Declaring an Emergency.

Received from House, 56.  
 First reading and reference, 58.  
 Re-referred, 58.  
 Reported back, 61.  
 Second reading, 73.

To House, 94.  
Signed by President, 115.  
Returned to House, 117.

**House Bill No. 19**

Referred to Committee on State Affairs.

House Bill No. 19. A Bill for an Act to Provide for the Development of Aviation and Aeronautics in the State of North Dakota, Creating a State Aeronautics Committee Under the Jurisdiction of the Public Service Commission; Creating an Aeronautics Fund Authorizing the Transfer of Appropriated Funds; and Declaring an Emergency.

Received from House, 69.  
First reading and reference, 68.  
Reported back indefinitely postponed, 114.  
To House, 123.

**House Bill No. 20**

Referred to Committee on Ways and Means.

House Bill No. 20. A Bill for an Act to Amend and Re-enact Section 11 and Section 13 of Chapter 269 of the Session Laws of 1943, Relating to Veterans Aid Commission, and Increasing the Amount Which May Be Expended by the Commission, and Providing for Compensation for the Members of the Commission and Providing for Compensation for the Executive Secretary of the Commission; and Declaring an Emergency.

Received from House, 54.  
First reading and reference, 58.  
Reported back, 62.  
Amended, 74.  
Second reading, 74.  
To House, 94.  
Signed by President, 129.  
Returned to House, 136.

**House Bill No. 23**

Referred to Committee on Insurance.

House Bill No. 23. A Bill for an Act Providing for an Actuarial Audit of State Hail Insurance Rates, Report to Insurance Commissioner and Twenty-ninth Legislative Assembly, Appropriation, and Declaring an Emergency.

Received from House, 69.  
First reading and reference, 68.  
Reported back indefinitely postponed, 122.  
To House, 123.

**House Bill No. 24**

Referred to Committee on Ways and Means.

House Bill No. 24. A Bill for an Act Authorizing the Board of County Commissioners to Appoint, Employ, and Pay a County Veterans' Service Officer to Assist Returning Members of the Armed Forces in the Solution of Their Problems.

Received from House, 54.  
First reading and reference, 59.

Reported back, 62.  
Second reading, 74.  
To House, 94.  
Signed by President, 115.  
Returned to House, 117.

**House Bill No. 26**

Referred to Committee on Irrigation and Drainage.

House Bill No. 26. A Bill for an Act to Amend and Re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as Amended by Chapter 118 of the 1943 Session Laws, Relating to Repairs of Existing Drains, and Declaring an Emergency.

Received from House, 56.  
First reading and reference, 59.  
Reported back, 62.  
Second reading, 75.  
To House, 94.  
Signed by President, 115.  
Returned to House, 117.

**House Bill No. 27**

Referred to Committee on Irrigation and Drainage.

House Bill No. 27. A Bill for an Act to Amend and Re-enact Section 2472 of the Compiled Laws Relating to Letting of Contracts by Board of Drain Commissioners, and Declaring an Emergency.

Received from House, 56.  
First reading and reference, 59.  
Reported back, 62.  
Second reading, 76.  
To House, 94.  
Signed by President, 115.  
Returned to House, 117.

**House Bill No. 29**

Referred to Committee on Appropriations.

House Bill No. 29. A Bill for an Act Making an Appropriation from the General Fund of the State to the Veterans Post War Rehabilitation Reserve Fund to Carry Out the Provisions of Chapter 180 of the Session Laws of 1943, Such Appropriation to Be in Addition Thereto; and Declaring an Emergency.

Received from House, 49.  
First reading and reference, 51.  
Reported back indefinitely postponed, 53.  
Other action, 59.  
To House, 61.

# HOUSE RESOLUTIONS

## House Concurrent Resolution No. 1

Referred to Committee on Elections.  
Received from House, 56.  
First reading and reference, 59.  
Reported back indefinitely postponed, 62.

## House Concurrent Resolution No. 2

Referred to Committee on State Affairs.  
House Concurrent Resolution No. 2. Resolution Regarding  
Additional Quota Allotment Specifically Designated for  
Returning Soldiers, Sailors, and Marines.  
Received from House, 40.  
First reading and reference, 45.  
Reported back, 53.  
Second reading, 71.  
To House, 72.  
Signed by President, 107.  
Returned to House, 109.

## House Concurrent Resolution No. 3

Referred to Committee on State Affairs.  
Received from House, 40.  
First reading and reference, 45.  
Reported back, 53.  
Second reading, 71.  
To House, 72.  
Signed by President, 115.  
Returned to House, 117.

## House Concurrent Resolution No. 5

Referred to Committee on State Affairs.  
Received from House, 40.  
First reading and reference, 45.  
Reported back, 53.  
Second reading, 71.  
To House, 72.  
Signed by President, 115.  
Returned to House, 117.

## House Concurrent Resolution No. 6

Referred to Committee on Agriculture.  
House Concurrent Resolution No. 6. A Concurrent Resolu-  
tion Memorializing Congress and the President to Take  
Immediate Steps for Securing Necessary Tires for the Use  
of Farmers.  
Received from House, 69.  
First reading and reference, 68.  
Reported back, 69.  
Second reading, 72.  
To House, 72.  
Signed by President, 107.  
Returned to House, 109.

**House Concurrent Resolution No. 7**

Referred to Committee on State Affairs.  
Received from House, 64.  
First reading and reference, 68.  
Reported back, 78.  
Second reading, 84.  
To House, 95.  
Signed by President, 129.  
Returned to House, 137.

**House Concurrent Resolution No. 8**

Referred to Committee on Irrigation and Drainage.  
Received from House, 69.  
First reading and reference, 68.  
Reported back, 70.  
Second reading, 71.  
To House, 72.  
Signed by President, 129.  
Returned to House, 137.

**House Concurrent Resolution No. 9**

Received from House, 99.  
Adopted, 99.  
To House, 109.  
Signed by President, 129.  
Returned to House, 137.

**House Concurrent Resolution No. 10**

Received from House, 99.  
Adopted, 100.  
To House, 109.  
Signed by President, 129.  
Returned to House, 137.

**House Concurrent Resolution No. 11**

Received from House, 112.  
First reading, 113.  
Adopted, 113.  
To House, 114.  
Signed by President, 129.  
Returned to House, 137.